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INTERBRANCH COMMISSION ON JUVENILE JUSTICE
PUBLIC HEARING

BEFORE: HONORABLE JOHN C. UHLER
TOD C. ALLEN, MEMBER
VALERIE BENDER, MEMBER
HONORABLE JAMES A. GIBBONS, MEMBER
ROBERT L. LISTENBEE, ESQUIRE, MEMBER
GEORGE D. MOSEE, JR., ESQUIRE, MEMBER
RONALD P. WILLIAMS, MEMBER

DATE: APRIL 1, 2010, 4:10 P.M.

PLACE: BEST WESTERN MOUNTAIN INN
WILKES-BARRE, PENNSYLVANIA

APPEARANCES:

BY: DARREN BRESLIN, ESQUIRE
FOR - COMMISSION

DONNA E. GLADWIN, REPORTER
NOTARY PUBLIC

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1 JUDGE UHLER: While we're waiting for the
2 orchestration of PCN, I remind all of those to turn off
3 their cell phones and other devices so that the proceeding
4 is not interrupted during the course.

5 Good afternoon. This is the 10th hearing date of
6 the Interbranch Commission on Juvenile Justice of which the
7 Commission as a whole has been able to participate with.

8 We do have a quorum, and present today to my left
9 is Robert Listenbee, Esquire, Chief of the Juvenile Unit of
10 the Defenders Association of Philadelphia.

11 We have the Honorable James Gibbons, a magisterial
12 district judge of Lackawanna County and former Assistant US
13 Attorney for the Middle District of Pennsylvania.

14 We have to my right Darren Breslin, who is the
15 counsel for AOPC and counsel to the Commission. Valerie
16 Bender, formerly Senior Research Assistant with the National
17 Center for Juvenile Justice, now a consultant on juvenile
18 justice.

19 We have Tod Allen, Director of Court Advocacy for
20 the Crime Victim Center of York -- of Erie County,
21 Pennsylvania; and Ron Williams, Regional Director of the
22 Pennsylvania Department of Agriculture and former County
23 Commissioner.

24 My name is John Uhler. I'm a -- now a Senior
25 Judge, formerly a President Judge of York County, and we've

1 gathered today to focus on the issue of victims' testimony.

2 I want to note at the outset to give the parameters
3 of where this Commission has been focused, and it falls
4 within the context of our legislative mandate as a result of
5 the legislative enactment in which the General Assembly
6 found that the recent events involving the actions of
7 several individuals in Luzerne County with respect to
8 juvenile delinquency proceedings require a non-criminal
9 investigation and a review of the operations of the juvenile
10 justice system.

11 These events may have violated the principles in
12 the Pennsylvania Constitution and state law and have eroded
13 the trust and confidence in Luzerne County's juvenile
14 justice system.

15 Therefore, the Legislative, Judicial, and Executive
16 Branches of state government shall undertake a joint,
17 non-criminal investigation and review to ascertain how the
18 Luzerne County juvenile justice system failed, restore
19 public confidence in the administration of justice, and to
20 prevent similar events from occurring.

21 I read that backdrop to identify the scope of where
22 -- of which this Commission can focus its hearings and its
23 findings. We recognize that there are a number of issues
24 that have been raised by prospective witnesses who have
25 contacted the Commission in hopes that they could offer

1 testimony regarding issues that go beyond the scope of our
2 limited mission.

3 And I -- I say that from the mindset that we, as a
4 Commission, will review and have reviewed to date all
5 matters that have been submitted to us. We have scheduled
6 today's hearing as a replacement for the February 25th
7 hearing to enable those remaining victims, predominantly
8 juvenile -- alleged juvenile delinquent victims, to make
9 part of the record those circumstances, those issues that
10 they confronted at the time of the -- their being brought
11 before Judge Ciavarella.

12 We will continue that focus today. Be assured
13 though that all matters deemed relevant and that have been
14 submitted to the Commission in light of our hope and zeal to
15 have transparency as to what we are focusing our concerns on
16 will be made part of our website.

17 In the event a matter is provided to us that does
18 not fall within our mission, that submittal will not be
19 included in the future. That's not to say that it won't be
20 forwarded on to the appropriate authorities for potential
21 further inquiry in a relative and relevant fact finding
22 board.

23 With that said, today's hearing is much like all
24 the preceding ones. We have identified from the Commission,
25 in this instance, Valerie Bender and Tod Allen to be the

1 questioners of the prospective witnesses. In as much as,
2 again, we're sensitive to the -- the rights of all that
3 appear in front of the Juvenile Court, we will be
4 identifying these youth by their initials, and likewise
5 their family members if they too choose to testify.

6 They're represented by counsel from the Juvenile
7 Law Center. And is it Neha?

8 MS. DESAI: Neha.

9 JUDGE UHLER: Desai?

10 MS. DESAI: Desai.

11 JUDGE UHLER: Come forward, please. Also note that
12 George Mosee has arrived while speaking as well. So we
13 clearly have a significant number of Commission members.

14 Would you please stand and raise your right hand?
15

16 MRS. T, called as a witness, being duly sworn,
17 testified as follows:

18

19 JUDGE UHLER: You may be seated.

20 THE WITNESS: Thank you.

21 JUDGE UHLER: And how are you identifying yourself,
22 please?

23 THE WITNESS: Mrs. T is fine.

24 JUDGE UHLER: Very well. Ms. Bender, you may
25 commence.

1 MS. BENDER: Thank you for being here this
2 afternoon, Mrs. T. You have a statement prepared. Would
3 you care to start by reading your statement?

4 MRS. T: Yes, thank you. First let me say that I'm
5 very pleased to have an opportunity to testify before this
6 Commission today. To have my daughter's voice heard and my
7 voice heard by men and women who are dedicated to serving
8 the people of the State of Pennsylvania and supporting our
9 democratic system of government is truly an honor.

10 I spent 16 years of my career as a case worker for
11 children and families in Pennsylvania. I worked for our
12 Headstart Program, private foster care agencies, and
13 Children and Youth Office services. I had dedicated my
14 professional life to helping families get through some tough
15 times and often significant socioeconomic disadvantages.

16 In 2002 I underwent surgery that should have kept
17 me out of commission for two to three days, but the
18 procedure went horribly wrong, and I was in a coma for
19 almost three months, and I was away from my home and my
20 family for over six months while I went through
21 rehabilitation to try and reclaim the life we had all
22 previously enjoyed.

23 Needless to say this was a very traumatic time for
24 my family, including my daughter. When I returned home we
25 found out that our rental home was being sold and that we

1 would have to move. So we moved to a small town in Luzerne
2 County, and we looked forward to making a new life together,
3 a fresh start for all of us.

4 Although things were very difficult, we were just
5 grateful to have our family intact again. So that brings me
6 to January, 2007 when I arrived home and I received a phone
7 call from a police officer, and he told me that he was
8 coming to arrest my daughter for putting something
9 inappropriate online.

10 That's when our nightmare started. I told him I
11 wanted a lawyer. He became irate, and he told me that
12 overprotective parents like me were the problem with kids
13 today. I called the officer back that evening, and I told
14 him that I was not able to get through to an attorney.

15 He told me that if we kept the lawyers out of it,
16 he would reduce the charges to a misdemeanor, one count of
17 harassment as opposed to a list of charges which originally
18 included terrorism, abuse of the internet, internet
19 stalking, and he assured me that my daughter would get
20 community service and possibly probation. And I believed
21 him.

22 The next stop -- excuse me. The next step in the
23 process was meeting at Luzerne Juvenile Probation where we
24 were asked some very personal and some very intimate
25 questions. Based on my professional experience I thought

1 many of the questions posed were irrelevant and
2 inappropriate, but nevertheless I and my daughter cooperated
3 fully.

4 I raised my daughter to value personal
5 responsibility and integrity and being completely honest,
6 and making amends when necessary is something that she and I
7 were prepared to do. When the time came for my daughter's
8 hearing I had her wear a dress. I instructed her on how to
9 address the judge, with the respect that I believed his
10 position deserved.

11 We went into the courtroom, and less than 60
12 seconds later, 60 seconds, my daughter was handcuffed, taken
13 away, no goodbyes, no explanation, no hug. I pretty much
14 collapsed and then proceeded to beg and plead and bargain.
15 I tried everything I could think of. I offered to take her
16 place.

17 My family had once again been torn apart. This
18 time not by my illness, but by a judge, by someone who
19 should have been protecting children and doing all in his
20 power to hold families together, someone who is charged with
21 meting out justice to children and should be doing
22 everything in his power to rehabilitate children who needed
23 rehabilitation.

24 I just couldn't understand or accept what had
25 happened. How could this be? In my 16 years of working

1 with juveniles I'd never seen anything like this. There
2 were times that I disagreed with a court's decision with
3 regard to adjudication or placement of a child on my case
4 load, but I never saw anything like total disregard for the
5 law or the best interest of the child, nothing like we
6 experienced in Luzerne County.

7 So at first for the first couple days I fell apart,
8 and then my dad reminded me that the woman I was before my
9 illness would never have allowed something like this to
10 happen to her daughter without using every resource that I
11 could to save her, and he was right.

12 So I started calling my county offices, state
13 offices. My dad did the same. He called his
14 representatives. No one would help us. The judge seemed to
15 be omnipotent, and after numerous dead ends, attempts to get
16 help, I was referred to a professor at Rutgers University.

17 I'm not even quite sure how I got there, but the
18 professor told me of a non-profit organization that might be
19 able to help me, and that organization was Juvenile Law
20 Center.

21 My dad called and begged them to take our case, and
22 when I received a call from their attorney I cried again
23 because now there was some hope. There had been
24 hopelessness. Now there was hope.

25 But Juvenile Law Center made no false promises.

1 They did promise to do everything in their power to help my
2 daughter. They managed to get her released early, and she
3 came home to me after almost a month. Despite my worst
4 fears, she was safe, and she was healthy, but she had
5 experienced things that she was not prepared to experience
6 at her age and she should not have been exposed to,
7 especially without the support of her family.

8 When we were first asked to share our story with
9 the media back in 2007 we didn't exactly jump at the chance.
10 We didn't want to risk retaliation from the authorities who
11 seemed to be acting outside or above the law, but on the
12 other hand, there was -- if there was any way that we could
13 prevent another family from going through what we had gone
14 through, we wanted to participate that -- in that.

15 We didn't want another family going through the
16 same nightmare. So we decided, my daughter and I, to speak
17 up, and we agreed to expose ourselves to public opinion in a
18 county where former Judge Ciavarella was a well known
19 businessman, politician, and a popular community leader.

20 We were terrified, but we weren't alone, because
21 our defenders, our supporters, our heros were with us all
22 the way, and that would be the folks at Juvenile Law Center.

23 We appeared on CNN and waited for the fall out.
24 And we waited. But it never came. There was interest from
25 supporters at JLC. There was some local interest from the

1 media, but there wasn't the media blitz that we had expected
2 and kind of dreaded.

3 We thought there would be more exposure because of
4 the horrendous activity in Luzerne County in the juvenile
5 system. So now we weren't quite as frightened as we were
6 disappointed. Questions we asked ourselves is where was the
7 public outrage? We continued to speak out. And my
8 daughter, quite eloquently I boastfully add, spoke at a
9 panel at the National Constitution Center along with Gerald
10 Gault and professors from Columbia and Temple Universities.

11 During this time we learned that possibly thousands
12 of children and families have been violated by the juvenile
13 justice system in Luzerne County, and yet still no outcry,
14 no investigation, no indignation.

15 Our children were being abused, our greatest
16 assets, our future. And even the higher courts dismissed
17 our request to address the gross constitutional violations
18 and abusive behavior.

19 Local media started giving voice to folks who
20 didn't know the whole truth, and these people called our
21 children juvenile delinquents and stated that they were
22 future criminals anyway. And it was heart braking to think
23 that the citizens of Luzerne County and the government
24 authorities would allow this to continue.

25 In January, 2009, well, here was the outrage and

1 the indignation, and the public outcry. \$2.6 million sure
2 has a way of changing people's perspectives. I was sitting
3 in a local restaurant, and everybody was talking about a
4 scandal. And I kept hearing the name stuff repeatedly.

5 My daughter called me on the -- my cell phone and
6 told me about the news. Rumors we had heard the previous
7 autumn were now confirmed. The FBI had been investigating
8 the judges, and they had plea bargained. And I was excited,
9 really excited, that something was finally going to be done.

10 And then it hit me that I was also really angry
11 because few had cared about the children of Luzerne County
12 and working class families like my own when it appeared
13 simply to be a situation of a judge violating the
14 constitutional rights of children. But once the story got
15 really juicy, and we knew there were millions of dollars in
16 kickbacks involved, then everyone seemed to be interested.

17 But overall I'm glad that the truth has finally
18 been revealed. Although no conviction has been handed down,
19 my family and the other thousands of families abused by the
20 juvenile justice system in Luzerne County, we know they're
21 guilty because we were there.

22 And I don't want to dwell on the punishment of
23 these corrupt judges and the other public officials that are
24 involved and what they deserve. I trust that the justice
25 system will treat them fairly despite their denial of

1 wrongdoing, their arrogance, and their belittling criticism
2 of children that they abused.

3 I want them to receive the fairest treatment under
4 the law possible, and I want them to be able to exercise the
5 rights that they didn't -- that they denied to our children.
6 But unlike the sentences meted out to our children, I hope
7 they get the punishment that they deserve.

8 So my hope is that this Commission will make all
9 necessary recommendations for legislative action that will
10 ensure that the children and families of Pennsylvania will
11 never be denied justice again.

12 And I implore you, this Commission, to recommend
13 that all juvenile court staff, law enforcement, prosecutors,
14 and defenders be compelled to have training and child
15 development and psychology and be required to complete
16 refresher training on a regular basis.

17 Additionally, I think the juveniles should be
18 pointed -- appointed counsel as soon as possible. Juvenile
19 law in Pennsylvania needs to serve several, but equally
20 important purposes. The law should protect victims of
21 juvenile crime, protect the rights of children, and modify
22 delinquent behavior of children by seeking to understand and
23 address the conditions that underlie that behavior.

24 And lastly, but most important, I think that the
25 law should ensure that the integrity of the family unit is

1 maintained. The juvenile justice system needs to partner
2 with children, with parents, with mental health
3 professionals and other community professionals to reach
4 these goals.

5 And the Juvenile Law Center has advocated for
6 children involved in the justice system for many years, and
7 they're a model of what the missions and attitudes of our
8 juvenile justice system must be in order to protect our
9 children and preserve our families in the safest and most
10 productive manner while still protecting the public good.

11 And that's the end of my testimony. I hope I
12 didn't go too fast.

13 BY MS. BENDER:

14 Q No, you didn't go too fast. It was very
15 thoughtful, and I can see that it was very emotional for you
16 to talk to us about this. Would you mind if I asked you a
17 few questions?

18 A No. Go right ahead.

19 Q How old was your daughter when this happened?

20 A She was -- when she went to court?

21 Q When she went to court?

22 A 15.

23 Q 15. And did I understand you to say that the
24 police told you you didn't need an attorney? Did you --

25 A Actually I was told -- not that I didn't need one,

1 but I was advised not to get one.

2 Q You were advised not to get one by the police?

3 A Yes.

4 Q Okay. Did anyone advise you that your daughter had
5 a right to an attorney?

6 A No. She was never arrested, never fingerprinted,
7 nothing. All that we ever received was a statement in the
8 mail of her charge.

9 Q Did she ever sign anything waiving her rights?

10 A No. Only -- the only thing she ever signed was at
11 -- the day of her first court hearing. She signed a -- a
12 paper. I'm not even -- to this day I'm not exactly sure
13 what it was. I had to park my car, and so she went in
14 first. And when she came in they said sign this paper, and
15 she did.

16 Q And you don't know and she didn't know what that
17 paper was at the time?

18 A No, no.

19 Q And you said the first hearing. So the first time
20 you were in court you were there without an attorney?

21 A Yes.

22 Q And that was the day your daughter was sent to
23 FACT?

24 A Yes. And I feel horrible about not having an
25 attorney. When H and I discussed it I told her that I was

1 her parent, and I knew what was best for her, and that if
2 she was -- took responsibility for anything that she might
3 have done and was straightforward and honest and spoke to
4 the people involved with respect, that justice would be
5 served. And that was my mistake.

6 Q I think that's what most parents tell their
7 children. Were you ever advised of the right to appeal?

8 A I asked for an appeal, and I was told that there
9 was no such process in Luzerne County for juveniles, and
10 that it was pointless anyway. And then I called Harrisburg
11 and spoke to the Public Defender's Office for the state, and
12 they told me that that was not true, but they would not get
13 involved in a county affair.

14 Q Do you know who told you in the county, if it was
15 probation or --

16 A Oh, in the county? The public defender that was
17 assigned to my daughter after the hearing.

18 Q So for the second case?

19 A Yeah. Well, no. I have no idea who this person
20 was or -- I was never told anything about a public defender
21 until after she was in placement.

22 Q After she was --

23 A And I wanted to appeal, and then they gave me the
24 name of someone.

25 MS. DESAI: May I briefly add something?

1 MS. BENDER: Sure.

2 MS. DESAI: M will be reading H's testimony, and H
3 does make mention of the form that she signed and her
4 understanding of what that was. So I'll wait until we get
5 to that, which is in H's statement.

6 MS. BENDER: Do other Commission members have
7 questions?

8 BY JUDGE GIBBONS:

9 Q I do, Mrs. T. You indicated that you received a
10 phone call from a police officer?

11 A Yes.

12 Q To tell you that he was coming to arrest your
13 daughter?

14 A Yes.

15 Q And in response to your statement that you wanted
16 to get a lawyer, you wanted to talk to a lawyer, I think I
17 wrote it down correctly, I want to be sure, he said to you,
18 if we can keep the lawyers out of it, he would charge your
19 daughter with a lesser --

20 A Well, it was two phone calls because the officer
21 called me. And basically what happened was he was on the
22 phone while I questioned my daughter about this incident.
23 And she said something that was nowhere near yes, I did
24 this, nothing like that. And he just started yelling, I
25 heard her. I heard her. She confessed. She admitted to

1 it.

2 And I'm like, hold on. So he said I'm coming down
3 there to arrest her. And I said you are not speaking to my
4 daughter without an attorney. And that's when he started
5 yelling at me telling me it's parents like me that get their
6 kids off, and that's why these kids do these things, that
7 kind of thing.

8 So then I hung up from him, tried to find an
9 attorney, but I don't have money to -- don't have an
10 attorney on retainer. It was in the evening. So I talked
11 to my mom and dad, and they said call the officer back.

12 They have thinking like me, that if you cooperate,
13 everything will be okay. So I called the officer back and
14 said, look, I can't get a lawyer. Can we talk about this?

15 And he -- that's when he told me, let's keep the
16 lawyers out of this. I'll reduce all the charges from, and
17 he named all these charges. He said that they were
18 monitoring my internet, that I've been under observation,
19 but yet he somehow needed my IP address after that. I
20 didn't think of it at the time, but -- he said keep
21 everybody out of it. I'll reduce it down to a misdemeanor.

22 The most she'll get is community service, maybe
23 probation. He told me that the other children that they
24 thought were involved would be getting tickets, and that he
25 wanted to make an example of my daughter. Actually I

1 misspoke. He said that the school wanted to make an example
2 of my daughter.

3 Q What school district was it?

4 A Crestwood, Crestwood School District.

5 Q And can you tell us the identity of the officer?

6 A Yes. Officer Rozitsky of Wright Township.

7 MR. GIBBONS: Thank you.

8 JUDGE UHLER: Any other questions?

9 BY MR. LISTENBEE:

10 Q Yes. Mrs. T, may I ask a couple of questions about
11 the appeal process that you spoke of? You say you spoke to
12 someone here in Luzerne County --

13 A Yes.

14 Q -- about whether you could appeal the case?

15 A Yes. I told them that this was crazy, that it just
16 didn't make any sense. And he told me that A, they did not
17 do appeals for juveniles; and that B, there would be no
18 point in it.

19 Q Do you recall who it was that you spoke to?

20 A No, I do not.

21 Q Do you recall what office they were associated
22 with, which organization they were associated with?

23 A Luzerne County Public Defenders.

24 Q You said then that you called someone at the state
25 level about appeals?

1 A Yes.

2 Q Do you recall what office that was?

3 A I started with the Governor's Action Line, and then
4 got different calls from there. But my understanding was I
5 was speaking to the State Public Defender's Office, but I do
6 not have a name, no.

7 Q Okay. And the response you got regarding whether
8 you could file an appeal from them was?

9 A That yes, that what the person at the county public
10 defender's had told me was incorrect, and that there
11 absolutely could be an appeal, but that they would not step
12 in to county business.

13 In other words, I had to go back. And actually
14 they suggested that I contact the ACLU.

15 Q If you were -- if you had been in a position to
16 file an appeal at the county public defender's office, would
17 you have filed an appeal at that time?

18 A Absolutely. I didn't have money to hire an
19 attorney, so that would have been my only choice.

20 MR. LISTENBEE: Okay. Thank you.

21 THE WITNESS: You're welcome.

22 BY MR. MOSEE:

23 Q Do you recall whether there was a representative
24 from the District Attorney's Office present during your
25 daughter's hearing?

1 A Well, there was a prosecutor. When I walked into
2 that hearing nobody introduced themselves. When I say 60
3 seconds, it could have been less than that. The hearing
4 began with the judge putting his palms on his desk and
5 leaning over and asking us -- asking my daughter what makes
6 you think you can get away with this kind of crap?

7 Q I think we can infer from your answers some of the
8 answers to the questions that I'm about to ask you.

9 A Okay.

10 Q But we're just trying to make a record. Did anyone
11 advise your daughter or you of their appellate rights after
12 the disposition was entered? The disposition would have
13 been the judge saying your daughter was going to be sent
14 away.

15 A No. At that point it was -- she was gone, and I
16 was hysterical. So no. At that time I was taken back to
17 the Probation Department office, and they threatened to
18 arrest me or have me committed.

19 Q They being probation?

20 A Several different people. There was a woman in a
21 uniform. We were in the probation offices. It was -- it
22 was pretty bad.

23 Q All right. Did the prosecutor say anything during
24 the proceedings?

25 A Very little that I recall. At one point my

1 daughter said what school district she had transferred from,
2 and there was a snide comment made, and I thought it was the
3 prosecutor. My daughter remembers it differently.

4 MR. MOSEE: I don't have anything further.

5 JUDGE UHLER: Mr. Allen.

6 BY MR. ALLEN:

7 Q I have a couple questions. When you appeared in
8 front of the judge without an attorney did the judge explain
9 to your daughter what that meant about not having an
10 attorney present?

11 A No. And we had no idea that we were there for a
12 hearing. We thought we were there for like call of the
13 list. Because I was asked to sign something when I came in.
14 This woman was at a table, and there were cards that had
15 like your letters of your last name. You know what I mean,
16 A through F, stand here.

17 So I went to that desk and she said, do you have an
18 attorney? And I said no. She said sign here. So I did.
19 It was a blank piece of paper, and I signed. And I thought
20 -- unfortunately in the counties that I've worked with when
21 juveniles are given a public defender often times they only
22 meet with that person minutes before their hearings. And I
23 had seen that happen before. So I thought, well, they're
24 asking me if I have an attorney. I guess this is the part
25 where they give me one. And -- or give her one. And that

1 never happened.

2 And then we got called into this courtroom. And I
3 knew who the prosecutor was because he came out of the
4 courtroom, and the victim in the case, the complaining
5 witness, she stood up, and they embraced and laughed. And
6 she kind of busted him on the cheek and asked, you know, how
7 are the children and that kind of thing. And that's when I
8 knew things might not be going well from here on out.

9 But at that point I knew who that person was
10 because he told her he would be -- be prosecuting the case.

11 Q Now, you mentioned when you were in a hallway there
12 was like A to M here, B to Z be here, whatever. Were there
13 a lot of people in the hallway waiting to go into these
14 hearings?

15 A No, .there was a table similar to this set up, and
16 when you came off the elevator they were right there. And
17 then once you signed this paper then they said go wait in
18 the room to my left. And it was just a big room, and there
19 were oh, 30 to 50 kids and some family members, and one
20 gentleman in a suit that it was very obvious that he was an
21 attorney.

22 So out of all those people there was only one man
23 in there that I thought the guy in the suit's probably the
24 attorney. But nobody else had any representation that I
25 saw.

1 Q All those other people in that room appeared to you
2 to be family members as well as juveniles who were having
3 proceedings in front of Judge Ciavarella that day?

4 A Yeah. He's the only judge. And we were new to our
5 community, but other kids in the community told my daughter,
6 well, everybody goes before Ciavarella. And if you go to
7 Ciavarella, you're going to FACT. And I said, don't be
8 ridiculous. You've never done anything wrong. You're a
9 good student.

10 I mean, there -- it's silly. And my daughter said
11 the kids told me, mom. This is it. And I told her, no,
12 don't be silly. Don't be ridiculous.

13 Q The last question I have for you is after your
14 daughter admitted to the charges did the judge read -- or
15 explain what that meant of what kind of rights she was
16 giving up by doing that?

17 A No, no. It didn't last -- he started out by
18 shouting at her, and exactly what I told you. And then he
19 just talked. And her response -- basically when he said
20 what makes you think you can do this kind of crap is she was
21 like, um, I don't know.

22 And I was standing behind her with my hand on her
23 shoulder kind of trying to give her a little support and
24 also to remind her to say yes, sir, no, sir and that kind of
25 thing. And when he leaned over and was shouting, she

1 literally was going like this, like pressing back against
2 me. And not what we expected at all.

3 But from then on he just talked, and she had -- I
4 think she said maybe one or two sentences of I don't know.
5 I guess I wasn't thinking. I didn't think of this person as
6 a person, but as an administrator, and that was the extent
7 of her -- her statement to them. From there on he just
8 yelled.

9 MR. ALLEN: Thank you, Judge Uhler.

10 BY MR. WILLIAMS:

11 Q Mrs. T, you referenced other people who were
12 involved in this -- this event. Can you tell us the
13 disposition of those other people, if you know it?

14 A Yeah. They all -- from what I know, they all
15 received summary offenses, tickets.

16 Q They all received tickets, and your daughter
17 received time?

18 A Um-hum. And I know one of the young men who was
19 accused of leaving some extremely vulgar and graphic
20 messages on a website, he was given community service and a
21 ticket in exchange for testifying against my daughter.

22 Q And when you were in the courtroom can you tell me
23 all the people that were there?

24 A Yes. It was very, very quick, but we -- we walked
25 into the courtroom. And normally I thought we would be

1 seated at a desk to the right, but we never were. We were
2 kind of led by the bailiff to stand directly in front of the
3 judge.

4 To my left was the police officer seated at a
5 table, the complaining witness, and then the prosecutor.
6 And I think there was like a bailiff or an officer of the
7 court next to the judge. And that's -- that's all I
8 remember.

9 Q No other juveniles were in there?

10 A No, no.

11 Q Thank you.

12 A We were the first one, I believe, of the day.

13 MR. WILLIAMS: Thank you, Mrs. T.

14 THE WITNESS: You're welcome.

15 JUDGE UHLER: Anyone else?

16 MS. BENDER: Mrs. T, you also have a statement that
17 your daughter wrote?

18 BY JUDGE UHLER:

19 Q I'd like to ask one question before we launch into
20 the daughter's statement. In your calls to Harrisburg, the
21 representatives and others that you contacted, did any make
22 reference to contacting the Judicial Conduct Board?

23 A No, never. I didn't know it existed quite frankly.

24 Q And when was the first time that you learned that
25 it existed?

1 A Probably when I spoke to Juvenile Law Center.

2 Q That said, did you ever file a complaint with the
3 Judicial Conduct Board after being advised that that
4 existed?

5 A Not that I'm aware of.

6 Q Okay.

7 A I know that there was some other things going on.
8 You have to understand that, like, that's the legal side of
9 it. All I wanted was my daughter home.

10 Q Sure.

11 A And I wanted her home for Mother's Day. And they
12 did that pretty amazingly. They kept telling me we can't
13 promise you that, and that was my concern at that point.
14 This all started with my daughter and the wrong that was
15 done to her and to my family, and it was very, very
16 personal. It's grown since then, but in the beginning all I
17 cared about was getting my daughter out of that horrible
18 place.

19 Q Okay. Other than the charges that I gather you
20 received in the mail.

21 A Um-hum.

22 Q Were you provided copies of any other documents,
23 such as any of the documents that either you or your
24 daughter signed at the courthouse?

25 A No.

1 Q Were they offered to you?

2 A No. In fact, I thought it was odd because I had
3 done family studies for Monroe County for the Juvenile
4 Probation Department, and their -- it was no 15 minute
5 meeting at the juvenile probation office. I mean, they were
6 quite extensive, and then there were reports. But I never
7 -- I asked for those, and I never received one.

8 Q This may be a part of your daughter's statement, so
9 I -- if it is, we can move on. But was your daughter asked
10 to admit to anything before Judge Ciavarella?

11 A What makes you think you can do this kind of crap?

12 Q And that's the only form of --

13 A That's it.

14 Q -- of inquiry?

15 A Yes. And when the police officer called, and I
16 said, do you know anything about this? And she said, yes,
17 that -- that was something months ago. That was her
18 confession. That's it.

19 Q And do I gather this related to a website; is that
20 correct, of some form?

21 MS. DESAI: I think for purposes of today's
22 testimony it's not necessary to get into the specific
23 allegations.

24 BY JUDGE UHLER:

25 Q Okay. I'm not -- I'm only inquiring for the

1 vantage point as to whether or not the charge was read by
2 the judge and there was any explanation to her of the
3 elements of the offense.

4 A No, no. The charges were not read at the court
5 hearing. It -- it literally started with that statement.
6 You don't know how shocking it was to walk up. There was no
7 -- there was no, like, introductions or anything like that.
8 It was basically that they said, you know, this is the case
9 of, and then he shouted at her. That's how it began.

10 Q So it would appear from what you described the
11 judge knew what the case was all about?

12 A Oh, yeah.

13 Q Okay.

14 A He had the order already written.

15 JUDGE UHLER: Okay. I have nothing further.
16 Anything further as a result of that line of inquiry? You
17 may move on to your daughter's statement.

18 THE WITNESS: Okay. First let me tell you that I
19 know H -- my daughter, I'm sorry, is disappointed that she
20 could not be here to read this. Because for her it's sort
21 of -- it's a very big deal to be a kid and to finally have
22 adults, you know, paying attention to what you're saying.

23 And especially after the experience she had, she
24 really had a mistrust of adults and of authority. JLC
25 helped with that a lot, but I think just the fact that she

1 was invited here has really helped her to -- to kind of
2 reaffirm her faith in adults, and that there are folks out
3 there who want to help kids.

4 So this is now from her statement. I am grateful
5 to this Commission for taking the time to listen. I have
6 been waiting for this opportunity for a long time. I will
7 begin my testimony from the beginning of my unfortunate
8 experience dealing with the juvenile justice system in
9 Luzerne County.

10 When I arrived at the juvenile probation office at
11 Luzerne County Court of Common Pleas my mother and I turned
12 in the requested personal documents and sat down with a
13 gentleman from juvenile probation. He interviewed me and my
14 mother together and individually.

15 After the interviews he told us that I would be put
16 on probation if I simply continued to cooperate, and I was
17 then given the date on which I was to appear in court. The
18 day I appeared before former Judge Ciavarella I went into
19 the courthouse alone while my mother searched for parking.

20 I went up to a desk in front of where I was
21 supposed to confirm that I had arrived, and I was asked to
22 sign a document that was briefly referred to as a waiver.
23 The woman at the desk stated, do you have an attorney? And
24 I said no. And I was told to wait for the arrival of my
25 mother.

1 When my mother arrived she was asked the same
2 question. A line on the document was pointed to, and my
3 mother was told to sign on the line and wait to be called
4 into the courtroom. My mother signed, and we sat down and
5 waited patiently for an officer to call us inside the
6 courtroom.

7 Upon entering the courtroom former Judge Ciavarella
8 briefly surveyed the document which I assumed was a survey
9 of my case and yelled, what makes you think you can do this
10 kind of crap? I responded as respectfully as I could. Our
11 conversation went on for about a minute, and then he asked
12 me if I remembered his lectures at my high school.

13 I stated that I had attended Pocono Mountain School
14 District and only attended one lecture during my time at
15 Crestwood High School. There was some snickering and a
16 brief comment along the lines of, well, that explains a lot.

17 Pocono Mountain School has a reputation of having
18 bad kids, and I think his sarcastic comments were his way of
19 saying that I was obviously a bad kid because I was from
20 that school.

21 He asked me again if I recalled what he said during
22 his lecture at Crestwood. As politely as I could I told him
23 that I could not remember. He snorted and told me I would
24 have time to remember while I was in placement.

25 Ciavarella declared that he would be sending me

1 away. I was led back to a room of the courtroom while
2 listening to my mother whaling inside the courtroom. I was
3 handcuffed by a woman who said, look what you did to your
4 mother, and was escorted to a holding room.

5 After an hour or so of confused crying I was told I
6 would be in the FACT Program and instructed to sign a paper
7 given to me by my probation officer. Then I was driven with
8 two other girls to Windgap where the camp was located.

9 Excuse me. I saw several girls at FACT who looked
10 familiar, one of whom sat at my lunch table in high school,
11 and I was so relieved to see familiar faces in this foreign
12 place.

13 The girls told me that juveniles from our county
14 don't get lawyers, and they said that was completely normal,
15 and it was perceived to be a good thing not to have a
16 lawyer. They assured me that Ciavarella would only keep me
17 in camp for three months, and I spent my time in camp being
18 obedient and respectful and achieved stupendous grades in
19 the alternative school I was attending during my time at
20 camp.

21 Meanwhile my mother had secured an attorney to help
22 get me back home, and I was ecstatic. After speaking to the
23 attorney I ran to a close friend of mine at camp and told
24 her I might go home early. I was laughed at immediately.
25 All of the camp staff and the girls from my county thought

1 it was hilarious when I told them that I may be able to get
2 out of camp.

3 Everyone told me Judge Ciavarella doesn't let
4 anyone leave early. I cried bitterly and felt hopeless.
5 But Ciavarella granted my attorney's request for a retrial
6 and gave us a court date for the following week. I was
7 miserable all week in my anticipation of the court date.
8 The thought of being in front of Ciavarella again made me
9 feel ill.

10 My classmates and my friends from my local
11 community kept telling me that I would be returning to camp
12 by my next court hearing. I was a complete emotional wreck.
13 I refused classroom assignments. I was disrespectful to my
14 fellow classmates and my teachers at school because I was
15 convinced I was leaving again anyway.

16 I entered the courthouse with my whole family at my
17 side to support me. I saw the prosecutor approach and hug
18 the complaining witness. They chatted for a few minutes and
19 laughed and talked about their kids, but the prosecutor
20 never approached me.

21 While I waited with my family my attorney was busy
22 trying to work out a consent decree. Moments later we were
23 asked to sit in the courtroom and wait to be called up, and
24 my case was called first. I was shaking and on the verge of
25 tears. I was so terrified that I could barely walk up to

1 the bar of the courtroom. I think you helped her, Neha.

2 Judge Ciavarella said call the first witness. My
3 friend from school who was there to testify against me
4 walked up, but then my attorney explained to the judge that
5 he had worked out a consent decree. Ciavarella looked taken
6 aback, and he agreed to the consent decree, but then he
7 said, well, you know what I think should happen to you,
8 don't you?

9 I was obviously thrilled not to be returning to
10 FACT. However, being on a consent decree meant that I was
11 subjected to drug testing and public humiliation in my
12 school for the next six months.

13 After having been ridiculed, jailed, humiliated,
14 treated like a disgusting criminal without ever having had a
15 chance to defend myself I felt that there was no point in
16 pretending to be the good kid I thought I was.

17 After being treated like a criminal, why not behave
18 like one? If everyone thought I was a criminal no matter
19 how I represented myself, why would I waste my time being
20 respectful when I could just as easily behave like the
21 juvenile delinquent I had been pegged as?

22 I hate that she felt that way. Most would see this
23 mentality as childish, but isn't that the point? I wasn't a
24 mature adult. I was a 15 year old girl. At 15 I had
25 learned the judicial system is a disgusting conveyer belt

1 made for putting our problems away rather than fixing them.
2 I learned that adults are not to be trusted. I learned that
3 cooperation means nothing, judges are biased, and that being
4 a repeat offender for drug use and a first time offender for
5 a childish prank just so happened to have the same
6 punishment.

7 It has been years since I was humiliated by
8 Ciavarella. Last year I graduated from high school. No one
9 gives me dirty looks at college, and I don't even get
10 laughed at when I take on academic challenges.

11 However, every once in a while I'll start a
12 sentence with one time when I was locked up, and I look at
13 the face of whoever -- whoever I'm talking to and they look
14 at me differently. And you can see the judgement passing
15 over their faces, and my face goes red. And I explain
16 myself, but no one really believes me.

17 It's times like those when I fall asleep bitter at
18 night thinking about what I would have done if I had known
19 that I had signed my right away to an attorney and thinking
20 about what I would have said if I had known what Ciavarella
21 was doing to all those children.

22 I met my best friend at camp, and once you go
23 through an ordeal together you're forever bonded by that
24 ordeal. And we often reflect on how embarrassing it was to
25 go to juvenile probation inside of our school and get drug

1 tested while our classmates gawked at us in the halls.

2 We talk about our shared belief, our shared
3 mentality that no child who went through the Luzerne County
4 juvenile justice system will ever trust any officer, judge,
5 or county executive ever again. In a democratic nation we
6 can be expected to believe that we have a say in the way
7 things run. Well, I can think of about 6,000 reasons why
8 children in this county think that's complete nonsense.

9 I believe that when you give the right people
10 power, they do the right thing with it. And I believe when
11 the wrong people are tempted with money, they do the wrong
12 thing. And I believe in a system where an ordinary citizen
13 can call an advocacy organization several hours away and
14 initiate the biggest unveiling of injustice this county has
15 ever seen.

16 And if it wasn't for Juvenile Law Center every
17 child in this county that ever saw Ciavarella would spend
18 the rest of their lives talking about how the system doesn't
19 work for anyone but the people on top.

20 Now every kid in this county is raving about what
21 they hear on the news. Juvenile Law Center made it clear to
22 every single citizen in this county that no one, not even a
23 judge, is above the law. And I have learned that we must
24 all be willing to speak out against tyrants that put us
25 down.

1 I consider every victim of this incredible
2 injustice to be my friend. We have this ordeal in common,
3 and we always will. I speak of these kids as my friends, as
4 my best friends, because it is so much more comforting to
5 know that not one of us has ever been alone. We have all
6 been united by the people who saved my sanity, my maturity,
7 my positivity, and sense of justice.

8 Hopefully these things have been preserved for each
9 of us as they should be. Today we have the opportunity to
10 speak up. We have the privilege to say our part, to tell
11 our stories, and to speak out against injustice.

12 My friends in placement laughed at these
13 suggestions that anyone could challenge Ciavarella, but
14 Juvenile Law Center did exactly that, and in turn united
15 6,000 people under the campus of true justice. And that's
16 the end of her statement.

17 JUDGE UHLER: Ms. Bender.

18 BY MS. BENDER:

19 Q Obviously your daughter is a very strong young
20 woman. I just have one clarifying question. You went --
21 she was sent to FACT?

22 A Yes.

23 Q And then you came back, and what happened then?
24 There was not a hearing, right?

25 A She -- she was released on writ of habeas corpus.

1 Is that right?

2 MS. DESAI: Um-hum.

3 THE WITNESS: Yes. You have to forgive me. I'm
4 not sure of all the legal terms. She was released, and the
5 judge said, okay, well, so you're saying you -- you -- that
6 she wasn't placed legally. Well, fine. Then we'll just
7 have -- we'll make the old trial never happen. We'll have a
8 new one. You have one week.

9 And the people at Juvenile Law Center, our
10 attorneys, were like, well, you know, we need some time to
11 prepare. No, one week. Juvenile hearings are only held --
12 I think it was on a Tuesday, and that's it.

13 So she went home for a week. It was awful. She
14 wouldn't talk to anybody. She cried all the time. She
15 didn't sleep in her bed. We had Mother's Day, which I
16 wanted her home for so badly, and she spent most of the time
17 at her grandparents in the house instead of outside.

18 And she was, to use her words, humiliated. She had
19 to face her grandparents, her cousins, aunts and uncles
20 knowing that she had been to a place that they'd never been
21 to or couldn't imagine being placed in.

22 And even though we tried to explain to her that,
23 you know, we know who you are. This doesn't change who you
24 are or what you are in our eyes, but it was really difficult
25 for her. It was a rough week. She was sure she was going

1 back to placement. She was sure of it. She thought there
2 was no way we could win.

3 Q And then she was placed on a consent decree?

4 A Yes.

5 Q For six months?

6 A Yes. That went very differently because the
7 original hearing the orders were all written up and ready to
8 go. The consent decree, the orders were all written up and
9 ready to go. So the judge, I think, was -- well, he says he
10 -- he wanted something differently. So what he then had to
11 do was write a separate order from what was already written,
12 and he wrote a consent decree.

13 Oddly enough the consent decree had nothing in it
14 with what the complaining witness and everyone else had
15 agreed to. It had drug testing, which she had not done
16 drugs. It had nothing to do with this. She had a curfew
17 where she had to be home at 6:00.

18 I had to get permission for my daughter to attend
19 Mother's Day with me at her grandmother's house because it
20 was in New Jersey. She could not go anywhere without her
21 parents. Her curfew was 6:00.

22 So, you know, if we wanted to leave the county, and
23 where we live the county -- the border of the county is two
24 blocks away. If she wanted to leave the county, we had to
25 get permission to do that. When she took her drug testing

1 she had to walk with her cup down the halls of her school,
2 down to the girl's lavatory, fill the cup, and then walk
3 back down the halls with her cup in her hand to the
4 probation officer.

5 Q And this consent decree was six months?

6 A Yes. And what do you think her teachers -- oh,
7 they said, so you -- you went away for drugs, right? She
8 had a few teachers who stood by her, but most of them were,
9 um-hum, this -- you know, this is all baloney you're telling
10 us. We know why you were sent away.

11 She was humiliated. That's the perfect word. She
12 just -- she walked around with her head down. She started
13 dressing differently, always in dark clothing, dying her
14 hair black. And she -- it was so obvious the change it
15 wasn't even funny.

16 MS. BENDER: Thank you.

17 THE WITNESS: You're welcome.

18 MR. MOSEE: Maybe your attorney from the Juvenile
19 Law Center can help with the answer to this question. But
20 what was the basis for the reversal?

21 MS. DESAI: I'm sorry. When she -- when she went
22 for -- with the habeas?

23 MR. MOSEE: Yes. And was it an actual --

24 MS. DESAI: The denial of right to counsel.

25 MR. MOSEE: Okay. And so he granted the new trial,

1 but he didn't do that until she appeared before him?

2 MS. DESAI: Correct.

3 MR. MOSEE: All right. And when the consent decree
4 was ordered did Judge Ciavarella announce what the
5 conditions of the consent decree were on the record?

6 MS. DESAI: I'm not sure if Mrs. T remembers. I'm
7 -- I do not know the answer to that.

8 THE WITNESS: I actually -- I wasn't there in the
9 courtroom for that because since I had become so upset the
10 last time they threatened to arrest me or commit me, we felt
11 that it probably was not a good idea if I were there, that
12 it somehow would taint the judge's decision. But I know
13 that the attorneys told me exactly what was worked out, and
14 the consent decree was -- what was written was completely
15 different. And it was all handwritten this time as opposed
16 to before when the -- the order was -- it was already typed
17 out and everything.

18 MS. DESAI: I can check the transcript and get back
19 to you regarding whether Ciavarella said on the record the
20 terms of the consent decree.

21 BY MR. MOSEE:

22 Q And thank you for volunteering that your daughter
23 was not charged with nor did she have -- nor had she ever
24 evidenced a problem with drugs. Nevertheless, drug testing
25 was part of what was ordered for the consent decree?

1 A Um-hum.

2 Q It sounded from your daughter's recitation that
3 some of the drug testing actually took place in school?

4 A All of it.

5 Q Did she ever describe to you where that took place
6 in the school?

7 A Yes. I was there during the summer. I had to
8 bring her to the school to meet the probation officer. And
9 he has like an office that he uses. I don't believe he's
10 there every day. I could be wrong, but I don't believe he's
11 there every day, but he uses that particular office.

12 And it's like on a corner. So there's huge glass
13 windows, huge glass windows. And then she would take the
14 cup and go down to the lavatory and fill it and carry it
15 back up to his office.

16 Q And it sounded, again, as though this was readily
17 apparent to her fellow classmates?

18 A That's how it's done. It wasn't just her. So if
19 you're on probation they know because they call you. Well,
20 H -- well, so and so come down to the probation office.

21 Q And when you say they call you, is that over one of
22 those loud speakers?

23 A Over the PA or somebody comes to the classroom and
24 says let's go. And, I mean, it's -- they're glass windows.
25 Like everybody walking by that hallway can see that you're

1 in there.

2 Q Was there any community service ordered as a result
3 of the consent decree?

4 A No, no.

5 Q Was she asked to participate in any programs?

6 A No.

7 Q Do you know how often she was seen by the probation
8 officer?

9 A At school weekly, and then he actually kind of let
10 up towards the end of the summer because I think he came to
11 visit to our home once and realized that, you know,
12 everything's fine. There -- there's nothing wrong. There's
13 no -- he even increased her curfew, and he became a little
14 more lenient about getting court orders to allow her to
15 travel to New Jersey and that kind of thing. I think the
16 probation officer very quickly realized this is not a
17 problem kid.

18 Q When she completed the consent decree was there a
19 hearing?

20 A I don't think so, no. No, there wasn't. The last
21 day of the consent decree, we were very much looking forward
22 to it. And H -- well, this is what H told -- my daughter
23 told me. She was approached at school by the officer.

24 Q The probation officer?

25 A No. Officer Rozitsky and the probation officer and

1 told that after school she was to walk to the police
2 station, which was just a short distance, and be
3 fingerprinted, and I guess her photo taken and stuff like
4 that.

5 And she called her attorney, and I do not know what
6 -- what transpired in that conversation between her and her
7 attorney, but H did not do that. She came right home on the
8 bus, as she's supposed to.

9 Q Okay. Maybe you misunderstood. What I'm asking
10 about is when the consent decree was actually terminated,
11 when it was ended.

12 A That's it. That was the last day of it, and we
13 never heard anything else.

14 Q So they wanted to fingerprint her?

15 A Um-hum.

16 Q And photograph her?

17 A Um-hum.

18 Q At the end of the consent decree?

19 A The very last day, the day it would expire.

20 Q Okay. Do you have any idea why they wanted to
21 fingerprint her at the end of the consent decree?

22 A Are you asking for my opinion?

23 Q At this hearing you can give your opinion.

24 A Okay. My opinion is that they messed up, and she
25 was never arrested. And all this was going on, and we were

1 talking to the media, and I think they realized that they
2 had never followed procedure. And now this was an attempt
3 to get H to come and do this because she was still under
4 age, and to come and do this without my knowledge of it.

5 Q Now, you were fortunate to be represented by the
6 Juvenile Law Center, but did anyone from probation ever talk
7 to you about expungement?

8 A No. But I -- I do want to correct you there. I
9 was not represented by Juvenile Law Center. My daughter
10 was. And that was made very clear to me from the beginning,
11 that they were not my attorneys, but my daughter's attorney.

12 Q Absolutely. And thank you for that clarification.

13 A Okay.

14 Q But did anyone from probation ever talk to you
15 about expungement?

16 A No.

17 MR. MOSEE: Okay. Thank you.

18 MR. LISTENBEE: Your Honor, if I may.

19 JUDGE UHLER: Sure.

20 BY MR. LISTENBEE:

21 Q Mrs. T, were there any fines or costs levied
22 against you or your daughter?

23 A Yes.

24 Q Can you tell us how much those were?

25 A Well, that's the thing. There's -- there was kind

1 of a dispute about that. It was -- originally it was like
2 court costs, which upset me because it's like, why was I
3 paying for a court hearing that we supposedly never had? So
4 I had to pay for those cost courts.

5 But H actually was paying those off a little at a
6 time, and she did not pay off much of it. I think it was
7 under \$400. And then there was also -- while she was in
8 placement my husband and I received documents to attend a
9 hearing from domestic relations, because when they remove
10 legal and physical custody of your child for adjudication
11 apparently you have to pay for that privilege.

12 I called them and explained to them that my husband
13 was disabled and so was I. And they said they really don't
14 care. They'll just garnish our Social Security checks.

15 Q Did that ever happen?

16 A No, because my daughter was then released. So by
17 the time the hearing came about she had -- she was now on
18 this consent decree.

19 Q So you were never -- no fines or costs were ever
20 levied against you for the time that she was actually in
21 FACT?

22 A Right. They were, but I guess because it was less
23 than a month, it was like less than a month by a couple days
24 or something, there was some legal thing that -- that we
25 didn't have to pay for it.

1 Q You indicated earlier that while you were in the
2 courtroom the complainant was there?

3 A Um-hum.

4 Q Did the complainant ever say anything?

5 A Yes. When I -- when my knees -- my legs kind of
6 collapsed from the shock, and I was just like, please, like,
7 I'll go to jail. I'll go to jail, please. This is --
8 something's wrong, you know. And she said, this is all an
9 act. This is all an act. And I was thinking, like, if they
10 took your daughter away from you, I know what it means when
11 they say adjudicated delinquent. I just lost custody of my
12 daughter.

13 Q How -- how has this impacted you?

14 A Well, I wish that the housing market was better,
15 because I'd be high tailing it out of Luzerne County. I'm
16 sorry to say that. I know there are good people in this
17 county, but I don't want to take a chance again. I'm very
18 glad that my daughter's out of the school district.

19 You know, I was told that the school districts
20 really liked former Judge Ciavarella because he was so
21 strict. And, you know, I -- I'm very glad she's out of
22 there. I wouldn't want my grandchildren to go to school
23 around there or to face this threat. I -- you know, I hope
24 it's going to change, but I'm not taking a risk with anyone
25 else that I love.

1 Q Just one final question. In the juvenile justice
2 system decisions are made by different people. Did Judge
3 Ciavarella order that the Probation Department actually make
4 your daughter get a cup and walk down the hall to the ladies
5 room and then walk back with the cup in hand, or was that
6 something that was decided by someone else?

7 A That's just procedure, and that's just how it's
8 done. I mean, while I came in with my daughter there was
9 another child there, and it was the same exact procedure.

10 Q You mean in the high school itself?

11 A Yes. That's very common to have probation officers
12 come into the school. I mean, privacy? There's no privacy.

13 Q So but that wasn't ordered by the judge, those are
14 procedures by the Probation Department?

15 A Um-hum.

16 MR. LISTENBEE: All right. Thank you very much.

17 JUDGE UHLER: Mr. Williams, anything?

18 MR. WILLIAMS: No.

19 JUDGE UHLER: May I ask gradation of the offense,
20 misdemeanor?

21 MS. DESAI: I believe so.

22 BY JUDGE UHLER:

23 Q You referenced -- you referenced the environment in
24 the school setting. I understand that the probation
25 officer's offices is much like a glass house with a lot of

1 glass windows and all could see who was meeting with the PO,
2 et cetera; is that correct?

3 A Yes.

4 Q The victim, do I gather that the -- that the
5 alleged victim of this offense was a school employee?

6 A Yes.

7 Q Okay. Was it a general knowledge that your child,
8 who apparently had been alleged to be involved with a
9 misdemeanor offense, was on probation, and this was general
10 knowledge within the school setting, if you know?

11 A That she was on probation?

12 Q Um-hum.

13 A Yes.

14 Q Did any of the school teach -- other teachers say
15 anything to her?

16 A At the end of the year she had one teacher, when
17 all this news broke in January of 2009, who came to her in
18 the hallway and said, I owe you a huge apology, to my
19 daughter. I owe you a huge apology. I really thought
20 Ciavarella was a good guy and thought what he was doing was
21 a good thing. And I had no idea this was going on.

22 A lot of her teachers put her name on the board and
23 her address at the camp and told the kids to write her to
24 support her. Her government teacher also told her you have
25 a right to fight this.

1 So there were people who supported her, but the
2 general feeling of the school is that she was lying, that it
3 had nothing to do with the -- the events that caused her to
4 be before the judge, that it was all about drugs. There was
5 questions about her sexual orientation, that kind of thing.

6 Q Did you register any complaints with the school as
7 to --

8 A I couldn't.

9 Q -- how it wasn't -- how it was handling this
10 situation?

11 A Oh, I couldn't. That was one of the agreements I
12 had made with the officer on the first night. I was not
13 allowed -- I could look at the --

14 Q That's fine.

15 A I could look on the internet for possible -- the
16 things that might be on there, but I could not change them,
17 and I could not remove them. I was not to speak to the
18 complaining witness. I was not to address this incident at
19 all with the school. I was not allowed to speak of it. And
20 that if I did, that it would go back to those other charges.

21 Q Now, that was the arresting officer?

22 A Yes.

23 Q Did the probation --

24 A The officer.

25 Q Probation officer or any of the other officials

1 within the court context --

2 A No.

3 Q -- make those kind of threats to you?

4 A When we went to juvenile probation the person --
5 the gentleman that we met with told us that he was not in
6 charge of our case, but the person that was in charge of our
7 case was absent that day. So all he did was ask questions,
8 some of which were what kind of intimate relationship did --
9 or are my husband and I intimate? Do we have a close
10 relationship? Do I know if H, what her sexual choices are,
11 like is she gay? Asked about her drug use, her alcohol use.
12 Was she a virgin? I mean, questions that I was just like,
13 what? Like, what has this got to do with anything?

14 Q This --

15 A But they never said anything about even what she
16 was charged with. I -- at the end I said, well, do you know
17 what's going to happen? And he said, yeah, all that's going
18 to happen is community service, possibly probation. Okay.

19 Q Did the probation officer advise you and/or your
20 daughter of the right to counsel?

21 A No, no. It didn't go either way. He just simply
22 asked questions. That's all that happened.

23 Q And -- and were these questions preceded by an
24 inquiry as to what is your position surrounding the pending
25 charges, or are you admitting or denying? Was there any

1 inquiry such as that?

2 A Honestly?

3 Q Yeah.

4 A I don't remember.

5 Q Okay.

6 A I was more thrown off with the kinds of things that
7 I was being asked. It was very embarrassing to me. I don't
8 -- I do not remember though being asked anything about like
9 do I have an attorney? Do I want an attorney? Is she
10 guilty? Is she not guilty? I don't recall being asked any
11 of those questions. I do recall being asked some others.

12 Q Thank you for your candid comments. Is there
13 anything else that you would like to close with?

14 A No. I think that only to say that our story has
15 been in the media, and I -- and, you know, we've heard what
16 I've had to say here today. And I think that I guess what I
17 want to say is that my daughter, like so many of these other
18 children that have had to go through this, is doing really
19 well. And I think she's a wonderful adult. And if I didn't
20 have her as a daughter, I'd want her as my friend.

21 I'm very proud of her. And I'm proud of all these
22 children and families who -- who either by just having
23 suffered through it silently or by speaking up have -- have
24 been strong through this. And I think they deserve a lot of
25 credit.

1 And I -- I'm very, very hopeful that you folks will
2 be able to make recommendations that will improve this
3 system in this county and statewide, but especially in this
4 county. This should never, ever happen again, not to one
5 more kid and family.

6 JUDGE UHLER: Thank you for sharing your experience
7 with the Commission and as -- the experience as well as your
8 daughter. Thank you.

9 THE WITNESS: Thank you for giving me an
10 opportunity to speak and to read H's. I appreciate it.

11 JUDGE UHLER: Sure. In the interim -- go ahead,
12 ma'am. I should note, we're -- we've kind of had a
13 staggered commencement of this proceeding in as much as we
14 were going to be a subcommittee and then we finally had a
15 quorum, and now George Mosee, Deputy Prosecutor from the
16 Philadelphia District Attorney's Office, has come in. And I
17 wanted to properly identify his -- his presence.

18 We do have a number of absent members here. That's
19 not the reflection of their lack of interest in this subject
20 matter. The February 25th day impacted negatively a lot of
21 other plans, and commitments had been made by those
22 Commission members who are not here with the exception of
23 one who just lost his mother. And his non-appearance is
24 understandable.

25 But that said, may we have the next witness? The

1 witness is -- before you're sitting down.

2

3 MR. K, called as a witness, being duly sworn,
4 testified as follows:

5

6 JUDGE UHLER: And how do you identify yourself?

7 THE WITNESS: Mr. K.

8 JUDGE UHLER: Mr. K. Commissioner Allen.

9 BY MR. ALLEN:

10 Q Thank you, Mr. Chairman. Mr. K, I understand you
11 might have a statement that you'd like to share with us?

12 A Yes, I do.

13 Q If you'd like to go ahead and proceed with that,
14 and then I'll have some follow-up questions. And some of
15 the Commissioners will also probably have some.

16 A Okay. I'd like to thank -- I'd like to take the
17 opportunity to thank you for the opportunity to talk about
18 my experience here. I'll refer to my son as M.

19 We have lived in Wyoming Valley throughout M's
20 whole life. At the present time I'm a captain with the
21 Pennsylvania Department of Corrections where I've been
22 employed for the past 23 years.

23 In December, 2004 simple assault harassment charges
24 were filed against my son, M. The charges were filed at the
25 request of his mother, who accused him of pushing her

1 boyfriend and assaulting him by throwing a piece of steak at
2 him.

3 At the time of this alleged incident M was 13 years
4 old. He stood approximately four foot three inches tall,
5 weighed approximately 82 pounds. His mother's boyfriend
6 stood six foot three inches tall and weighed approximately
7 210 pounds. His mother's boyfriend sustained no injuries
8 during this alleged assault.

9 It should be noted at the time M's mother and I
10 were involved in a very intense divorce and custody dispute.
11 When M and I appeared before Judge Ciavarella we were
12 accompanied by my attorney. M's mother and her then
13 boyfriend testified.

14 The prosecutor who tried my son's case was
15 completely overzealous, and he appeared like he was
16 auditioning for a role of a lawyer in a movie or auditioning
17 for something. My attorney put M on the stand, and M simply
18 stated that nothing happened, and that the whole story was a
19 lie.

20 The judge allowed the arresting officer to testify
21 extensively, but cut off my attorney when he tried to
22 suggest it'd be better to deal with the family tensions
23 through our ongoing custody case.

24 Judge Ciavarella didn't even consider the
25 suggestion. He remanded him to detention for separate

1 psychological evaluation by Dr. Vita. M was then handcuffed
2 and shackled and led out of the courtroom. Please remember
3 that M was 13 years old at the time. He was never, ever in
4 trouble with the law in his life.

5 M was kept in detention for 18 days just waiting
6 for the psych evaluation by Dr. Vita. He was detained at PA
7 Child Care for a total of 48 days. During this time he was
8 shipped approximately 120 miles away to Tioga County
9 Detention Center for one week because of a lack of bed space
10 at PA Child Care.

11 For the record, they took a 13 year old child away
12 from his family, his friends, his school, confined him in a
13 detention center just three days after Christmas. 18 days
14 later during a psych evaluation by Dr. Vita, Dr. Vita was
15 able to come to the conclusion that M was suffering from
16 depression.

17 Meanwhile I attended a meeting at PA Child Care.
18 Sandra Brulo, who was the Chief of Juvenile Probation, ran
19 the meeting. I never witnessed such unprofessional behavior
20 in my life. Sandra Brulo told us that she could send M away
21 until he was 21 years old.

22 Ms. Brulo made it perfectly clear that she was in
23 charge and had the power to control M's entire future. In
24 fact, in a report to the court Ms. Brulo recommended that M
25 be placed for a whole year in Colorado Boy's Ranch followed

1 by placement at Glen Mills School in Pennsylvania until he
2 was 18 or 21 for allegedly throwing a piece of steak. And
3 that was in her written report to the court.

4 After the meeting I spoke with others from both
5 probation and Luzerne County Children and Youth, and they
6 all said basically the same thing. They had never seen
7 anything like this before in their life. Understandably at
8 this point I was very frustrated that my son was being still
9 held. I became quite concerned based on Ms. Brulo's
10 statement that he would be sent out of state.

11 So I decided to take my story to the local media.
12 Times Leader published a story describing our situation.
13 Five days after the article appeared in the Times Leader M
14 and I again appeared in court. After the press reported
15 about our case Judge Ciavarella ordered that M be released
16 from PA Child Care and placed on probation for approximately
17 six months.

18 M has since successfully completed his probation
19 without any -- any further incidents. As a result of this
20 whole ordeal M became very depressed and has lost total self
21 esteem. He continues to ask me why this happened to him for
22 telling the truth.

23 His education has suffered significantly. Prior to
24 his placement M had a grade point average of over 3.0.
25 Since this traumatic series of events his grade point

1 average has plummeted to 2.0.

2 In an attempt to get M a renewed sense of self
3 esteem he began taking flying lessons at 14 and a half years
4 old. Flying seemed to be the only therapy that helped. M
5 hoped to attend college and enlist in the Navy.
6 Unfortunately, his lower grade point average now may prevent
7 him from attending the aviation college of his choice and
8 becoming a professional pilot.

9 At this time we can't even apply for scholarships,
10 grants, financial aide, student loans, or other assistance
11 with education until the expungement orders have been given
12 affect.

13 We worry that even with the expungement Judge
14 Ciavarella's adjudication of him may not meet the moral
15 criteria to join the Navy or the armed services.

16 In addition to the emotional turmoil, psychological
17 intimidation, depression, low self esteem, and diminished
18 hopes for a career in the aviation field that M has had to
19 endure, this incident caused a grave financial burden to me.

20 As a result of M's placement by Judge Ciavarella I
21 paid over \$4,000 in attorney's fees. I've also been
22 required to pay \$550 to Luzerne County Probation and
23 detention fees, \$365 dollars in family counseling fees, \$150
24 individual counseling fees for M, and \$75 in individual
25 counseling fees for me. This counseling was all required as

1 a condition of M's release from PA Child Care.

2 In addition to financial expense it's also become
3 necessary for me to take several days off from work in order
4 to be able to visit with him at specified times and deal
5 with my own depression and emotional distress over this
6 entire mischarge of justice.

7 Since M's release from PA Child Care and probation
8 it has been a long and slow healing process for both of us.
9 At the present time M has no faith or trust in police or the
10 judicial system. I've tried unsuccessfully to explain to
11 him that he was a victim of judicial injustice, and that the
12 judicial system can work.

13 Unfortunately, due to the past and present
14 humiliation he's had to endure from his placement at PA
15 Child Care for innocent behavior, I've not been very
16 successful.

17 I want the Commission to understand one last thing.
18 It is obvious at this point that the whole system failed
19 here, but there was no failure of parents trying to act on
20 behalf of their children. I knew something was wrong with
21 M's placement in detention, and I contacted everyone I could
22 think of, but no good came from it.

23 I contacted County Commissioners, state
24 representatives, Governor's Office, Congressmen, help line,
25 juvenile justice organizations, Children and Youth, just to

1 name a few. If you would like, I can give you a more
2 detailed list of all my contacts, including many of them by
3 date and time and who I spoke to and how long.

4 Incredibly after inquiring on my behalf my
5 Congressman received a letter from Children and Youth signed
6 by Rosanne Ciavarella in the position of social services
7 coordinator. I spoke with the woman at Children and Youth
8 who assured me she looked into my case and found nothing was
9 wrong. I asked her her name for my records, and she
10 begrudgingly told me her name was Rosanne Ciavarella.

11 When asked what her relationship was to Judge
12 Ciavarella who put my son away she told me she was his
13 sister. The audacity and incompetence of Children and Youth
14 to assign the judge's sister to investigate a claim against
15 him is totally outrageous.

16 I also called the Judicial Conduct Board in
17 Harrisburg right after M was locked up and gave a brief
18 description of my concerns. Without mentioning any names or
19 where I was calling from I remember the person I spoke with
20 interjected to ask, you're calling from Luzerne County,
21 aren't you? You're talking about Judge Ciavarella, right?
22 We've had several calls about Judge Ciavarella, but you've
23 got to understand you've got to have a lot of ammunition
24 against the judge. This is just more fuel for the fire. I
25 then gave them my name and information about M's case but

1 never heard anything in response.

2 My recommendations, gentlemen and lady,
3 recommendation for the Commission is to figure out how the
4 court, Children and Youth, probation, JCB, and others can
5 actually work together and communicate so all the complaints
6 from parents don't slip through the cracks anymore.

7 If anybody had listened to me and been brave enough
8 to act, the hundreds of kids who appeared in front of
9 Ciavarella after my son could have been protected. I'm
10 going to say that again, could have been protected. If
11 anyone had listened to the complaints that surely came
12 before me, all the terrible trouble my son had gone through
13 could have also been prevented.

14 Thank you for this opportunity to testify in front
15 of the Commission. I'll be glad to answer any questions at
16 this time.

17 BY MR. ALLEN:

18 Q Thank you, Mr. K. It was an excellent statement.
19 I only have one question. When you contacted the Judicial
20 Conduct Board did they advise you how to file a formal
21 complaint against Judge Ciavarella?

22 A No, no.

23 Q They did not. They didn't explain to you how --

24 A They took the information over the phone, and I was
25 rather surprised when I started talking to the gentleman

1 when I called down there. I didn't mention PA Child Care.
2 I didn't mention the judge. I didn't mention Luzerne
3 County. I didn't mention anything that would depict what
4 county I was calling from. Yet this gentleman knew exactly
5 who I was talking about, and he led me to believe that there
6 were numerous complaints on him, and that mine was just
7 going to be added to it. As he put, you know, more fuel for
8 the fire. But I never heard anything back from them.

9 Q And he never explained to you there is a form you
10 have to fill out how to get that form?

11 A No, no.

12 Q Or even refer you to somebody like the Pennsylvania
13 For Modern Courts, which actually has a very nice guideline
14 on how to file a complaint against the Judicial Conduct
15 Board?

16 A No. He took a lot of information as far as the
17 circumstances involving M's case and so on and what he was
18 charged with, when was the hearing, so on and so forth, what
19 was the sentence, how long he was going to be incarcerated
20 in PA Child Care.

21 Now, this -- this call to Judicial Conduct Board, I
22 think, came in early January when I notified them.

23 Q Of what year, sir, was that?

24 A It would have been 2005. It was while M was still
25 being held at PA Child Care.

1 MR. ALLEN: Okay. Thank you. I don't have anymore
2 questions, Judge Uhler.

3 JUDGE UHLER: Mr. Mosee.

4 BY MR. MOSEE:

5 Q Thank you, sir. Did Judge Ciavarella advise you of
6 -- or advise your son of his appellate rights at any point?

7 A No, not that I recall.

8 Q Did your attorney advise you of your appellate
9 rights?

10 A Honestly, I don't recall. We came in there under
11 the impression -- my attorney told me that this was
12 basically ridiculous. It was -- there was no merit to this
13 complaint, and he actually advised me that it would probably
14 work in my favor that he was just going to ask that M be
15 placed in my custody, because obviously there must have been
16 issues going on over the other household.

17 And he had at no time thought that he was going to
18 be, you know, locked up. He thought perhaps he might get a
19 couple months probation out of it.

20 Q Was your attorney from Luzerne County?

21 A Yes.

22 Q Did he practice often?

23 A Yes.

24 Q In front of Judge Ciavarella?

25 A Yes. Well, in front of Judge Ciavarella I don't

1 know. I can't say how often he was in front of Judge
2 Ciavarella.

3 Q Did he say anything to you to indicate that he knew
4 anything about Judge Ciavarella's practices and how he
5 treated people in court?

6 A He said he was a stern judge, if I recall
7 correctly. But based on what M was being accused of and the
8 complaint, he didn't think there was anything to it. It
9 wasn't like he stole a car or brought a knife to school or
10 something to that affect.

11 Q You said your attorney attempted to cross-examine
12 the witness and was cut off. What do you mean by that?

13 A He was -- he put my -- my son on the stand and
14 asked him what took place, and he said basically it was a
15 lie. Nothing happened. He tried to, I believe, address the
16 judge as to -- the impression I got was not to worry so much
17 about this case as let's concentrate the attention involved
18 with the custody and everything else like that that we were
19 going through. And that's when the judge cut him off and
20 just -- it seemed at the time the judge really wasn't paying
21 attention to this case. He had his head down most of the
22 time writing something or --

23 Q How long did that hearing take?

24 A It seemed like it only took like less than a
25 minute, but from what I understand it actually took maybe

1 three or four minutes or so.

2 Q I appreciate all of the work that you did to try to
3 find somebody to help you through this situation. Did your
4 attorney advise you as to who to contact?

5 A No. Actually I was doing it all on my own. I was
6 spending sometimes hours at a time just trying to get
7 somebody to listen because I knew there was something wrong.

8 Q In particular, how did you come to contact the
9 Judicial Conduct Board?

10 A I'm not particularly sure. It might have been
11 there's a -- an organization, I think they're out of Texas,
12 who I also sent numerous paperwork to called Justice For
13 Children, advocate group for juveniles. And they might have
14 been the one who questioned it, if I ever tried contacting
15 the Judicial Conduct Board. I know I was referred by
16 someone. I just couldn't tell you who. I believe it was
17 them.

18 Q Now, I want to understand that portion of your
19 testimony wherein it sounds like after the press got ahold
20 of the story some things started to happen. Can you go into
21 a little bit greater detail about what happened after the
22 story was published?

23 A Well, it just appeared to be coincidence, but it
24 just seemed like about five days after that story hit all of
25 a sudden we were getting ready to -- M was going -- or M was

1 going to be brought back in, and he was going to be released
2 from PA Child Care. Now, I don't know if it was coincidence
3 or not.

4 Q But you had no notice of a hearing prior to the
5 story being published?

6 A Not that I recall. It happened right about the
7 same time. I mean, even when M was arrested it was done
8 unusually. I mean, I got a phone call somewhere in -- I
9 think it was December -- it was December 22nd by a
10 gentleman.

11 Q 2004?

12 A 2004. By a gentleman by the name of Matthew
13 Skrepnak who called and told me my son had to appear on the
14 28th of December in front of -- in front of Judge
15 Ciavarella.

16 In the mean time, right with the Christmas
17 holidays, I got ahold of my attorney, asked him if he could
18 accompany me to it, and he agreed.

19 Q When your son was finally released did the judge
20 say anything about the reason?

21 A The reason he was released?

22 Q The reason he was being released?

23 A I believe he made reference back to our meeting at
24 PA Child Care. And based on the recommendations of Sandra
25 Brulo to the court, I know he made reference to that, I

1 believe. And there were conditions of M's release, just
2 basic family conditions and conditions of probation.

3 Q All right. With reference to Sandra Brulo, when
4 was it that you met with her? That was between the time
5 that your son was found to have committed the delinquent act
6 and the hearing where he was actually placed?

7 A It -- you need an exact date?

8 Q If you have that, but really in reference to those
9 two occasions?

10 A It would have been January 27th, '05 was when the
11 meeting was held at PA Child Care. And M was actually
12 released -- M went -- I'm sorry, M went back to court
13 February 14th, five days -- yeah, five days after the story
14 appeared, at which time he was released.

15 Q All right. So your son had already been placed at
16 PA Child Care?

17 A Right.

18 Q When Sandra Brulo met with you?

19 A Right. It was a meeting involving parents, the
20 attorneys, Children and Youth, probation, her, and then she
21 brought my son in.

22 Q And it was at that point that she announced what
23 her recommendation was?

24 A Oh, yes.

25 Q And it not only included an initial placement, but

1 a subsequent placement at Glen Mills?

2 A That is correct. And then she later put it in
3 writing to the court. It's in a document in writing.

4 Q Did she indicate what the basis for that
5 recommendation was? And I guess what I'm asking you is did
6 she say what presenting problem your son was manifesting
7 that would require not just one placement, but a subsequent
8 placement to take him up to age 18?

9 A No, sir, she didn't indicate. Just basically that
10 she could do whatever she wanted to, and that I got the
11 impression I was being intimidated to the point where I
12 would have to learn to agree with his mother on certain
13 issues or else she's going to do what she wants.

14 Q Did you ever have occasion to see the evaluation
15 prepared by Dr. Vita?

16 A Yes, I did.

17 Q Without going into any detail, did it seem to be an
18 accurate portrayal of your son?

19 A I'd have to say yes and no. Some things I agreed
20 with that were brought on because of -- again, like I said,
21 you take a 13 year old child and lock him up in a detention
22 center, and then he finds out he's depressed. What 13 year
23 old child would not show signs of depression?

24 Q Did Dr. Vita indicate a recommendation?

25 A He made several recommendations. Mostly on the

1 situation, not so much as on M, as I recall, you know, about
2 the parents getting along, so on and so forth.

3 Q But no recommendation for placement?

4 A No, no recommendation for placement.

5 MR. MOSEE: Okay. Thank you, sir.

6 MR. LISTENBEE: If I may briefly, Your Honor.

7 JUDGE UHLER: Sure.

8 BY MR. LISTENBEE:

9 Q Sir, can you tell me how many times your attorney
10 appeared before Judge Ciavarella on your son's case?

11 A It would have been twice, the initial hearing, the
12 hearing when he was released.

13 Q And did he also appear at the -- the center for the
14 meeting with Sandra Brulo?

15 A That is correct.

16 Q Now, after the meeting and after you heard her
17 recommendation did your attorney recommend appealing the
18 decision?

19 A No. Actually the appeal never actually came up.
20 To this day I don't know really why. Originally when M --
21 when M was confined to -- to PA Child Care pending a
22 psychological evaluation I think both of us were under the
23 impression that he wouldn't be sitting there 18 days waiting
24 for it.

25 We thought it'd just be a matter of a couple days.

1 And I was working more at trying to get him out of PA Child
2 Care than worrying about anything else. And then everything
3 became new when I started hearing about him being sent to
4 Colorado Boys Ranch and shipped out of state.

5 Q But the next time you appeared before Judge
6 Ciavarella is the time when he basically released your son
7 to your custody?

8 A Right.

9 Q So there was no need at that point in time to
10 follow through with an appeal?

11 A Right.

12 Q And it is your belief that but for the intervention
13 of the news media that this never would have happened? Is
14 that your understanding or assessment?

15 A I don't know if that would be completely true, but
16 I do know it was a very big deciding factor in it. Because
17 I know they interviewed my -- my attorney during the
18 newspaper clipping and myself while they did the article,
19 and it was -- it was ridiculous.

20 I think in the course of the article the attorney
21 referred to I could punch you in the nose or something and
22 as long as I didn't have any prior record I would never
23 serve any time. I'd, you know, get probation or whatever.
24 That it was ridiculous that a child of this age would have
25 been locked up for allegedly throwing a piece of steak.

1 MR. LISTENBEE: No further questions, Your Honor.

2 JUDGE UHLER: Mr. Williams.

3 BY MR. WILLIAMS:

4 Q Yes. You referred that you were charged for
5 several items here, and we've heard testimony through these
6 hearings that Dr. Vita was contracted through Luzerne
7 County. Did you pay him for any of the services out of your
8 pocket?

9 A Who?

10 Q Dr. Vita?

11 A Oh, not -- not directly.

12 Q Not directly. Who charged you for these services?

13 A Well, other than the attorneys fees, it was
14 probation and detention where I had to make payments
15 regularly. And then in order to abide by the conditions of
16 M's release, I had to attend all this counseling.

17 Q You know it's this Commission's hope that we can
18 restore your son's faith in the judicial system. To that
19 end we're all working, and I know you've been up against a
20 wall in Luzerne County because every place you turn there
21 was nepotism, and that's one of the things that we'd like to
22 have changed here in Luzerne County.

23 A That is very true, sir, everywhere.

24 MR. WILLIAMS: That was everywhere is right because
25 that probably helped in this case. I can't see the sister

1 reviewing the brother's actions, but I hope that some day
2 your son will see what's happening here and that will
3 restore his faith. Thank you.

4 BY JUDGE UHLER:

5 Q Just a few questions. You -- at the beginning you
6 offered to provide an enumeration of the contacts, dates,
7 times, and with whom at the beginning of your statement.
8 Would you be in a position to do so to the Commission?

9 A I could read them to you right now, or I could --

10 Q Could you provide them by way of correspondence or
11 a copy of those documents?

12 MS. DESAI: Yes, we'd be happy to.

13 BY JUDGE UHLER:

14 Q Question two. Do you know who you spoke with at
15 the Judicial Conduct Board?

16 A No, sir, I do not. The -- he never identified
17 himself. If he did, it was by first name only. Because I
18 found that calling a lot of these organizations and
19 different places some people are very reluctant to give you
20 their whole name. Some would only give their first name.
21 One place would only give a reference number to whom you
22 were speaking to.

23 Q Okay.

24 A I believe the gentleman did tell me his first name,
25 but once you review the list of all the people I contacted,

1 you'll see that I was keeping quite an exaggerated list as
2 to who I called from this office or this office, who I left
3 messages with, what the time of the day was, and how many
4 calls went to them, and what comments were made back, and so
5 on.

6 After a while it just got overwhelming where I
7 started just writing on little stick-ums and little notes
8 here and little notes there, which I was able to put
9 together for a package for you.

10 Q All right. Do you recall whether or not you
11 memorialized the first name of this individual?

12 A No.

13 Q Okay.

14 A Sorry.

15 Q The fees that you referenced, the Luzerne County
16 detention fee, what is that?

17 A A fee I paid, sir.

18 Q To whom?

19 A That was required.

20 MS. DESAI: Was it domestic relations?

21 THE WITNESS: I believe that went directly to the
22 probation office.

23 BY JUDGE UHLER:

24 Q Were there fees that you paid through the domestic
25 relations office?

1 A Not through domestic relations. Here's fees I paid
2 through Luzerne County Juvenile Probation Office, make
3 checks payable to Luzerne County Juvenile Probation Office.

4 Q You also reference probation fees. What were they?
5 Was that court costs, or was it some other fee that -- and
6 do you know what it was for?

7 A Well, here's a bill total amount owed is \$420 for
8 probation detention service fees. That's what it says. \$70
9 for the juvenile, \$350 for the father

10 MS. DESAI: Your Honor, would you --

11 THE WITNESS: You can have copies of anything I
12 have.

13 MS. DESAI: Would you like to have a copy of that
14 as well?

15 JUDGE UHLER: Please.

16 THE WITNESS: This is the whole package with all
17 the counseling fees and everything.

18 JUDGE UHLER: Any other questions from any of the
19 --

20 MR. WILLIAMS: Judge, would there be a problem
21 getting a copy of that whole file for the Commission and
22 with your attorney's consent?

23 THE WITNESS: Well, it would -- with the lawyer's
24 consent. Now, I have numerous files.

25 MS. DESAI: Would it be okay if we review exactly

1 what's in the file first?

2 JUDGE UHLER: Absolutely.

3 THE WITNESS: She can release to the Commission
4 anything she feels appropriate.

5 MR. WILLIAMS: We have some more hearings, and I
6 think that would be helpful for us.

7 JUDGE UHLER: Very well. Well, thank you, sir. I
8 appreciate you coming in and sharing your experience, if you
9 will, with the Luzerne County system, and we look forward to
10 hearing from your son, M.

11 THE WITNESS: Thank you.

12 JUDGE UHLER: M, will you remain standing?

13

14 M, called as a witness, being duly sworn, testified
15 as follows:

16

17 JUDGE UHLER: You may be seated. I understand you
18 have a statement you wish to read?

19 THE WITNESS: Yes.

20 JUDGE UHLER: You may proceed.

21 THE WITNESS: In November of 2004 my mother and her
22 boyfriend at the time called the police on me. I was
23 sitting in my bedroom when the sergeant came in to question
24 me. He asked me if I threw a steak at my mother's
25 boyfriend. I was 13 years old, and I was scared. No one

1 believed me when I said that I did not throw the steak.

2 Almost a month later, in late December, I was
3 charged with simple assault and harassment. I didn't think
4 much of it because I knew I didn't do anything wrong. I
5 figured the justice system would work, and I had nothing to
6 worry about. I never once thought I was going to be sent to
7 a detention center because of all this.

8 Three days after Christmas I was sent before Judge
9 Ciavarella, and I had my father's attorney representing me.
10 He assured me I had nothing to worry about, and I believed
11 him. The court hearing was not long at all.

12 After my mother and her boyfriend testified against
13 me I was able to speak. I denied the accusations and said
14 nothing ever happened. Once again, I was not believed.
15 When my attorney tried to speak Judge Ciavarella cut him
16 off.

17 Even though I had a lawyer I felt like I was in
18 court with no one to defend me. Judge Ciavarella -- sorry,
19 Judge Ciavarella -- Judge Ciavarella, sorry, speech --
20 sentenced me to PA Child Care for psychological evaluation.
21 I really didn't know what was going on until I was led into
22 a different room where I was searched and shackled.

23 I realized then that I was being sent to a
24 detention center. I really couldn't believe that being
25 accused of something like throwing steak was all that was

1 needed to be put away. I was suddenly so lonely I felt
2 sick. No one was able to help me or stop this.

3 I waited about three weeks before even seeing a
4 doctor for the ordered evaluation. I spent a total of 48
5 days locked up. Being locked up was very depressing. It
6 just wasn't a life worth living.

7 At one point I was transferred to Tioga County
8 because there was not enough bed space for short term
9 offenders in PA Child Care. Being 13 years old and weighing
10 less than 100 pounds I knew I wasn't safe in placement. I
11 was scared and miserable for the fact that I was put in
12 there for something that never happened.

13 My mother and her boyfriend were never questioned
14 and the police and judge believed everything they said. It
15 seemed like Judge Ciavarella did not care what happened to
16 me. They just wanted to be done with my child. I didn't
17 have a chance when I went up against him.

18 Judge Ciavarella actually visited my school a
19 couple of times. I remember him being there three times at
20 least. We would go to the auditorium, and he would give a
21 speech about staying out of trouble, warning kids that jail
22 is a bad place, and it will ruin your life.

23 But it didn't matter if you stayed out of trouble.
24 He sent us all to jail anyways. I still can't believe he
25 locked kids up for money. I hear about his beach house in

1 Florida, and I wonder how many kids lives he ruined to get
2 that place.

3 When I was locked up Sandra Brulo made threats to
4 put me away until I was 21, but fortunately I was released
5 and put on probation instead. While on probation I still
6 felt sickened from my experience and disheartened that it
7 wasn't over yet.

8 I remained depressed and slowly slipped away from
9 the person I was before all this happened. My friends'
10 parents didn't want their sons hanging out with a juvenile
11 delinquent. I had no control over how other people thought
12 of me. I felt very alone because nobody believed me and
13 everyone looked at me different.

14 This increased my depression and lowered my opinion
15 of the justice system. I felt betrayed and helpless because
16 I wasn't able to do anything about it.

17 At the age of 14 I started to fly planes down at
18 Wyoming Valley Airport. This helped my self esteem and made
19 me feel better about myself because when I'm flying the only
20 thing that matters is flying the plane. Everything is in my
21 control, and I don't have to worry about anything else.

22 Flying helped me in a way no one else could. I
23 hope to attend an aviation college, but because of this
24 whole mess my grades have dropped significantly, and I'm
25 worried I won't be able to get in anymore. I'm not sure if

1 I will be able to recover from this incident in time to save
2 my future.

3 I've been trying my hardest and hoping for the
4 best. I hope that talking about my experience can help make
5 sure this doesn't happen again.

6 JUDGE UHLER: Thank you.

7 BY MS. BENDER:

8 Q I just would like you to know that we really care
9 about what happens to you.

10 A Thank you.

11 Q We care about what happens to all the children in
12 Luzerne County. Do you have any idea how long that
13 evaluation took?

14 A I can't imagine more than half an hour.

15 Q About a half an hour. You talked a little bit
16 about how your life has changed and how your perception of
17 yourself has changed. Can you talk about how you see
18 yourself in the future?

19 A That's a different subject. Personally I can't
20 wait for my future to put this all behind me.

21 Q Put it behind you?

22 A That's a different way of how I view myself now.

23 MS. BENDER: Thank you. I have no other questions.

24 BY MR. MOSEE:

25 Q I still have trouble saying Ciavarella, but it's

1 not because it's hard to pronounce. You said you were
2 shackled?

3 A Yes.

4 Q Can you describe what that means? What do you mean
5 when you say you were shackled?

6 A They put cuffs around my ankles and around my
7 wrists, and I was led into the waiting room.

8 Q They had handcuffs or special cuffs for your
9 ankles?

10 A It was -- the belt that they would give you with a
11 chain hooked to the handcuffs.

12 Q And when was it that that happened?

13 A Immediately when I was led out of the courtroom.

14 Q So you were still in the courtroom when you were
15 shackled?

16 A No. I was -- sorry. I was -- when I was led out
17 of the courtroom I was in a room where I was searched, and
18 then they put the handcuffs and everything on me.

19 Q Okay. I think your testimony was that your mother
20 and her boyfriend were never questioned?

21 A Yes.

22 Q You mean your attorney didn't have an opportunity
23 to cross-examine them?

24 A My attorney didn't have an opportunity to do
25 anything.

1 Q Did your attorney ever talk to you about your
2 appellate rights?

3 A Well, at the time he was my dad's attorney
4 representing me. I only spoke to him briefly before the
5 trial.

6 Q When you say he was your dad's attorney, are you
7 saying it that way because your father was paying for him,
8 or because you felt like he was there to represent your
9 father and not you?

10 A No, he was there to represent me.

11 Q Okay.

12 A So --

13 Q All right. But you didn't have an opportunity to
14 talk to him about what you might be able to do to change the
15 decision?

16 A No.

17 Q All right. And you didn't have that opportunity
18 when the judge said that you threw the steak and you also
19 didn't have that opportunity when he said that you were
20 going to be sent to PA?

21 A No.

22 Q When did you meet with Sandra Brulo?

23 A I don't know specifically how many days after I got
24 locked up that I met with her. I would say it was after the
25 psychological evaluation. I'm not exactly sure when.

1 Q But it was after you met with Dr. Vita?

2 A If I remember correctly, yes.

3 Q How long was your meeting with Sandra Brulo?

4 A That could have been no more than a half an hour
5 either.

6 Q All right. And did she say anything to you about
7 her recommendations?

8 A I know I was threatened to be put in Colorado Boys
9 Ranch until I was 21 if I didn't cooperate with my mother.

10 Q Did she say why?

11 A Just because I did not cooperate with my mother.
12 There is a whole situation with that that I wasn't aware of
13 I'm sure at the time.

14 MR. MOSEE: Okay. Thank you.

15 BY MR. LISTENBEE:

16 Q Your Honor. First of all, M, thank you very much
17 for coming and testifying before us. It's very helpful to
18 us to hear your voice, to hear you tell us what happened to
19 you and how you felt about it.

20 I'm going to ask some questions that cover some of
21 the same territory that Mr. Mosee just covered, but I just
22 want to be clear.

23 A All right.

24 Q Do you remember whether or not your mother was
25 called to the witness stand and sworn in to testify?

1 A Sir, I don't recall offhand.

2 Q Do you remember whether her boyfriend was called to
3 the witness stand and sworn in to testify?

4 A I don't remember that either, sorry.

5 Q So neither one of them ever spoke a word in the
6 courtroom though?

7 A No, they did.

8 Q They did?

9 A Yes. They gave -- they told the judge about the
10 incident that happened.

11 Q And as they were telling your lawyer was not
12 allowed to question them?

13 A Right.

14 Q Not even one question?

15 A No.

16 Q Were you called to the witness stand?

17 A Yes.

18 Q Were you allowed to testify yourself?

19 A Yes. I just told the judge that I did not do that.

20 Q Did the prosecutor ask you any questions?

21 A No. The trial was very short.

22 Q So the prosecutor didn't say anything to you? Did
23 he try and, you know, say that you weren't telling the truth
24 in any way?

25 A No.

1 Q Do you remember how much time you spent actually
2 talking to your lawyer? Again, I'm not trying to get into
3 what your lawyer said to you, but do you remember how many
4 minutes or how much time you actually spent talking to your
5 lawyer?

6 A Well, I've met with the lawyer a couple times
7 before that.

8 Q Um-hum.

9 A Just for different occasions. And like I said, I
10 talked to him a little bit before the trial, and I was
11 assured that nothing was going to happen. And I'm sure I
12 talked to him 15, 20 minutes before I actually went into the
13 courtroom or --

14 MS. DESAI: Just to clarify, Mr. K might need to
15 step in if I'm incorrect, but I believe that M's attorney
16 was Mr. K's divorce attorney. Mr. K, is that correct?

17 MR. K: Custody and divorce.

18 MS. DESAI: Custody and divorce attorney.

19 BY MR. LISTENBEE:

20 Q Do you know whether he had ever appeared in
21 juvenile court before?

22 A I don't know.

23 MS. DESAI: I don't believe. Mr. K, do you know if
24 he ever appeared in juvenile court before?

25 MR. K: I believe he did.

1 MS. DESAI: Oh, you believe he did?

2 MR. LISTENBEE: Thank you very much for coming in
3 and telling us your story. We really wanted to hear from
4 you. I have no more questions.

5 BY JUDGE GIBBONS:

6 Q M, how long did the trial take place? You said it
7 was very short. Can you give me an estimate?

8 A It couldn't have been no more than five, ten
9 minutes. It was nothing very to it at all.

10 Q And this meeting with Sandra Brulo at PA Child
11 Care, who was in the room?

12 A Sandra Brulo, my dad, my mother. I don't remember
13 if my mother's boyfriend was there at the time. My dad's
14 girlfriend was there, who I was very close with, was there.
15 And there was a bunch of other people in the room that I did
16 not know.

17 Q Were there other juveniles like yourself?

18 A No.

19 Q No. Were they all there just on your case, if you
20 know?

21 A I assume.

22 Q But you don't know for sure?

23 A Yeah.

24 Q Okay. And you said that -- you made reference to
25 in response to one of the earlier questions that Sandra

1 Brulo in this meeting said that being a whole other
2 situation. Is that something you care to talk about, or
3 just to give us a better idea of what you're referring to?
4 I wasn't sure to what you were referring.

5 A I'm sorry. I'm -- can you repeat the question?

6 Q Well, you said you -- you referenced your mother at
7 this meeting and Sandra Brulo, and then you said that that's
8 a whole 'nother situation?

9 A Yeah. I'm talking -- I'm sure there was something
10 behind the scenes going on between her and Sandra Brulo that
11 it has to fall in with the threats and just the other things
12 that were said. It's just my gut feeling, I guess you could
13 say.

14 Q But you don't have anything --

15 A I don't have solid proof.

16 Q Did your mother know Sandra Brulo outside of this
17 case? Do you know?

18 A Not that I'm aware of.

19 Q Her boyfriend?

20 A I -- I wouldn't know that either.

21 JUDGE GIBBONS: Okay. Thanks for coming in.

22 JUDGE UHLER: Mr. Williams.

23 BY MR. WILLIAMS:

24 Q Yes. M, your father testified that you were
25 transferred to the Tioga Center, detention center, to make

1 room at PA Child Care?

2 A Right.

3 Q I know you were evaluated by Dr. Vita. When you
4 got to Tioga County, that is also a diagnostic center. Did
5 they do any work up there, or were you just housed there?

6 A I was just housed there for a week.

7 Q Okay. Thank you. And you heard my words to your
8 father, right?

9 A Yes.

10 MR. WILLIAMS: Okay.

11 JUDGE UHLER: Counsel, do we have a transcript of
12 this proceeding, do you know, the trial hearing?

13 MS. DESAI: I would have to check our records. I
14 don't know offhand.

15 JUDGE UHLER: If that is available, could you make
16 sure that we have an opportunity to review that?

17 MS. DESAI: Absolutely. Absolutely. In fact, I
18 believe that perhaps Mr. Breslin has a copy.

19 JUDGE UHLER: Okay. He wasn't sure. I wrote a
20 little note to him. And that's -- I wanted to confirm that.

21 MS. DESAI: I will double check.

22 BY JUDGE UHLER:

23 Q M, question. When -- when you spoke to your dad's
24 attorney about this -- this case, was it ever -- was the
25 subject matter ever raised that the -- even the allegation

1 does not warrant proceeding as a criminal charge? Did he
2 indicate that this would not rise to the level of a simple
3 assault?

4 A He assured me that I had nothing to worry about,
5 that I was not going to be locked up. I had no idea it was
6 going to be raised to that level.

7 Q Did the boyfriend testify that he was injured?

8 A No. He just told the court what happened
9 apparently.

10 Q If the boyfriend didn't testify that he was
11 injured, did your -- the attorney that represented you, he
12 didn't reference an appeal whatsoever to you?

13 A I'm not familiar with --

14 MS. DESAI: Your Honor, would you mind clarifying
15 for M what an appeal is?

16 BY JUDGE UHLER:

17 Q Appeal is a challenge to the merits of the
18 underlying case that can be taken to another court that has
19 authority over the lower court.

20 A Right.

21 Q Which would be the common pleas court. And if --
22 if the elements of the offense are not made out in the -- in
23 the context of the trial, then that -- then that case can be
24 appealed, and successfully so, particularly if it's
25 reflected in the transcript. There was no reference of an

1 appeal whatsoever to you, I gather?

2 A I'm -- it actually does sound familiar, but there
3 wasn't much he was able to do during the trial.

4 Q Okay. Did Judge Ciavarella ever indicate to you at
5 any time your right to an appeal?

6 A No.

7 Q Did anyone ever advise you that if you could not
8 afford an attorney for an appeal, that the court would
9 appoint one for you?

10 A No.

11 Q Has this opportunity been a positive experience for
12 you with regard to testifying before the Commission?

13 A Yes. If it helps -- if it helps fix the problems
14 of what happened, then yeah, I have no problem doing this.

15 Q Is there anything else you'd like to say?

16 A No. That would be all.

17 JUDGE UHLER: Thank you for appearing here this
18 afternoon. I'm sure that this was difficult for you, but
19 you have a lot of courage. And that should bode well for
20 your becoming a good pilot down the line.

21 THE WITNESS: Thank you.

22 JUDGE UHLER: Good luck to you. Commission
23 members, absent human cry for a recess, shall we move
24 forward? Next case, please.

25

1 MS. M, called as a witness, being duly sworn,
2 testified as follows:

3

4 JUDGE UHLER: You may be seated. And how are you
5 identified?

6

7 THE WITNESS: Ms. M.

8 JUDGE UHLER: Ms. M, do you have a statement that's
9 prepared?

10 THE WITNESS: I do.

11 JUDGE UHLER: You may read the statement.

12 THE WITNESS: First of all, I'd like to thank the
13 Interbranch Commission for letting me tell his story and
14 what had happened to my son, which I'll refer to him as K.

15 On -- okay. First of all, I was born and raised in
16 Wilkes-Barre. I now live in Hanover Township. I have four
17 children ages ranging from 14 to 27. I've been employed at
18 Toys R Us since 2002 as a shipping and receiving specialist.
19 I'm also employed at the Hanover Area School District as a
20 parent educator. Both of my jobs, subsequently, are related
21 to children, which are a gift to my eyes, like my children.

22 Onward to the day of April 22nd, 2008. My son, K,
23 was taken away in handcuffs and shackled and totally
24 humiliated in a courtroom for a charge of simple assault.
25 It was his first time ever being in trouble. He was a good

1 student and a good child. He was 17 years old.

2 He was in a fight outside of a concert hall in
3 Kingston with a boy that goes to the same school as him and
4 had been harassing him, following him, and harassing him
5 also over the internet.

6 I tried to call multiple times to try and change
7 that court date only because I could not attend it because I
8 was my daughter's patient for her college degree, which she
9 is now a dental hygienist. And that's something I could not
10 get out of.

11 Trying multiple times, that was the start of
12 everything that was a run-around because no one wanted to
13 help me. There was no such a thing. There was no changing
14 a date. There was -- I was given multiple phone numbers,
15 and there was just no getting out of that.

16 So I did give up on that. So that's when I turned
17 to my dad, and I asked him if he would go to court with K
18 that morning, that I was sure that it would be something
19 short and sweet, and that there wouldn't be a problem, and
20 that they shouldn't be there long. So I sent him that
21 morning with a check.

22 We did not have an attorney. We were also told
23 that we did not need one. It would just be a waste of money
24 for such a -- for such a simple thing. So as my dad
25 appeared in the courtroom, and I'm saying this for him

1 because I was not there, it was a short and sweet hearing of
2 -- and he says that he's overestimating -- maybe five
3 minutes or less; that he was only allowed to speak as to
4 what his plea was or what -- what he was asked if he was
5 guilty or not guilty.

6 He asked him how did he plead, and K replied
7 guilty. Only because K said, yes, I did do it. It was a
8 very simple thing. The other child deserved it. He didn't
9 know what else to say. He wasn't advised. He didn't know
10 who the people were that he was talking to, nor did my dad.

11 He wasn't advised of any options, and he didn't
12 think that the sentence would be as serious as it turned out
13 to be. As my dad described to me, K was barely given a
14 chance to breathe in the courtroom, let alone plead what had
15 really happened, nor was -- the other side didn't say
16 anything. They just stood there and laughed and chuckled.

17 Judge Ciavarella never even glanced at his
18 paperwork to determine who he was and what the case was
19 about. Either he already knew, or he was advised by whoever
20 handed him the paperwork, and they had it written on there
21 and already had it determined before a hearing what had
22 really happened.

23 He didn't understand how they could be fair and
24 have proper punishment when never looking at the paperwork
25 to see what it said. And like I said, he had already made a

1 decision before he was seated in the chair and before he was
2 taken away.

3 My dad and I had explained to K that what -- what
4 he should expect, what we thought to expect, and what we
5 thought the punishment should be for a first time for a
6 juvenile in court, a fine, community service, you know,
7 maybe a short term of probation.

8 But instead K was sentenced to 90 days at a
9 placement camp called Camp Adams in Jim Thorpe, which was an
10 hour from our home. It was a very confined camp way back in
11 the woods where you couldn't see any signs of life for
12 anyone that was in placement there. Your heart could never
13 plan for the emotional trauma -- the emotional trauma I
14 experienced for myself only because my dad was 75 years old,
15 had to cope with all of it by himself in a courtroom, and
16 was worried and confused knowing that what had happened and
17 had to bring it home -- can you read this? I can't.

18 MS. DESAI: Yeah. Your Honor, would it be okay if
19 I continue?

20 JUDGE UHLER: Certainly.

21 MS. DESAI: If at any point you'd like to take it
22 back over, just let me know. I'm sure the Commissioners
23 would like to hear from you, if you can. Okay.

24 I'm going to start again from that same paragraph.
25 Your heart can never plan for the emotional trauma I

1 experienced that day. My dad, age 75, had to cope with all
2 of it by himself in court and was so worried and confused.
3 The only information I was given from the -- from the court
4 to track my son's placement was a little post-it note with a
5 name and phone number on it.

6 They took my child and left me with a post-it note.
7 The heartbreak of having one of your children ripped away so
8 unfairly was the hardest thing I've ever had to deal with.
9 I hurt even more imagining what my son was feeling and
10 experiencing.

11 K has since told me that the most traumatic thing
12 for him was the experience of being handcuffed and shackled
13 in the courtroom, escorted out a side door, and shoved in a
14 van. He was so ashamed to be treated like a serious
15 criminal in front of people he knew in the courtroom. He
16 was also worried about the emotional distress his
17 grandfather experienced watching it all happen.

18 They allowed him a phone call the next day in which
19 I was at work and he was bitterly crying to please get him
20 out of there. The carelessness of everyone in the court
21 system was overwhelming throughout the process. The
22 probation intake officer interrogated K in an unnecessarily
23 harsh manner. He made his own determination of K's guilt
24 before he even came before the judge.

25 MS. M: The way the intake officer interrogated K

1 made him feel like he was a very small ant on the ground
2 just waiting for someone to quash him. We were told nothing
3 about K's right to an attorney during the probation intake
4 process.

5 After K was placed I asked his probation officer
6 about the possibility of early release for good behavior or
7 anything that he should do at camp or if he could be
8 released early and have early probation. He told me that's
9 not how we operate in Luzerne County.

10 I asked him if it would help if I got a lawyer and
11 get representation, and I was told you'd just be wasting
12 your money. You're not getting your son out of here. When
13 Ciavarella makes a ruling it sticks. He believes in his 90
14 days, and there's no shorter term.

15 Finally, at the end of my rope, I received a phone
16 call at work stating that it was an emergency and it was
17 very important to speak to me. It was a friend of K's
18 telling me that there was an article in the paper stating
19 that the JLC, and there was a phone number, that they'd be
20 willing to help, just to call the number and tell your
21 story.

22 So during my work hours I did that. I called that
23 number, and they were very helpful. They had listened to
24 our story, and they did make frequent phone calls, and they
25 did do everything they could to help us.

1 After that our visitation with K in placement was
2 limited as if he was a serious criminal. We got one visit
3 for one hour every other Sunday. It was heartbreaking to
4 watch K in battered up clothes, shoes that were too big,
5 filthy, oversized sweats, sores on his feet, heavy boots in
6 the middle of summer. It was just a horrible feeling to see
7 your son unshaven with long hair. I couldn't believe that
8 they weren't taking care of him to a better manner up there.

9 Pulling away from there was heartbreaking. Seeing
10 him in tears, continually worried about his safety. His
11 many friends then got together because they didn't believe
12 that he had did such a horrible thing, and they established
13 a Free K protest, which went very far and did help. Caused
14 a lot of problems, and this and that, but it was all worth
15 it and caused a lot of publicity, a lot of media, and many
16 newspaper articles which, in the long run, it all helped.
17 And I had many people at that point willing to help and
18 really understanding what had happened and what Ciavarella
19 had caused.

20 I've never been torn away from any of my children.
21 We have a very close relationship with each other. It was a
22 emotional roller coaster for my family dealing with K's
23 absence from home.

24 Beyond the emotional ordeal we endured financial
25 strain on our family from K's inappropriate placement, which

1 you got billed for everything. No matter what it was, you
2 got billed with it. Along with the payments I found out
3 then he was also put into drug classes and drug rehab, which
4 had nothing to do with what he was charged with. I didn't
5 understand why he was placed in those kind of classes at the
6 camp.

7 K prefers not to talk about what happened during
8 his time in placement. I'm afraid largely because he does
9 not want to upset myself or the family any further. When he
10 first came home he had many nightmares and couldn't sleep,
11 and he had a very poor sleep schedule.

12 As he told myself, our family, and his many close
13 friends, he endured more than anyone should ever have to
14 deal with for something so simple. He told me he learned to
15 sleep with one eye open, which isn't proper sleep, and had
16 to sit always with his back protected because you would get
17 shoved, and you would get pushed.

18 They would try and drown you with water. He was
19 pillowcased and beat up only one time, only upon learning
20 how to protect himself. He told me there was a regular
21 rotation in which different groups of kids would beat you up
22 in an area where there were no cameras.

23 All he could think of was getting released before
24 he hit stage three, which is where there were less cameras.
25 And that's just what he was told by others. Be careful

1 because you will get harmed. He just wanted to get out of
2 there, and he kept praying that he would get out of there.

3 Through the help of the JLC they did once or twice
4 call K at the camp and assure him that they were doing
5 everything that they could to get him out of there.

6 On visits I witnessed other kids walking in circles
7 like a KKK clan looking morbid, and all I could think about
8 was those kids were much younger, and what was up next for
9 K?

10 The guards are supposed to be of help, most of them
11 only college students going to college or just out of
12 college. K referred to them as the Baby Hueys. He said
13 they really didn't do what they should have, but they really
14 understood who did wrong and who did not, and they didn't
15 understand why he was there.

16 It was just another person for them to hang out
17 with while they were on duty. It was a see no evil, hear no
18 evil at this camp. He also referred to the camp to keep
19 himself sane as Camp Cupcake because that's how poorly it
20 was run, instead of Camp Adams, which gave few of them a few
21 funny haha's.

22 K stayed strong during his ordeal because of the
23 strong family structure and all of his friends together that
24 supported him in every way that they could, with a lot of
25 letter writing that he received is wholly what is part of

1 how he survived that whole ordeal.

2 He was only allowed phone calls every -- it was
3 usually Monday or Tuesday, but they never told you so you
4 were never prepared for the call. There was never a time,
5 so you had to sit on your phone or carry a cell phone and be
6 prepared for that call, in which many times when I received
7 a call I'd be running three blocks to a friend's house and
8 give up my time so K could hear his friend's voices and talk
9 to them so he felt like that normal teenager.

10 He never gave up, and neither did we. We learned
11 that there are people out there that will help you making it
12 right, giving better decisions, and to put children first.
13 I think that the JLC -- I thank them every day for their
14 support. With their help we did get K out of placement in
15 57 days, which was before the 95 days he was worried about
16 and that stage three of getting totally hurt and abused.

17 They recognized right and wrong. Without them
18 there would have been a totally different scenario on how
19 things would have ended up. They are a gift for these kids
20 who deserved a second chance and the right to be free. I'm
21 glad to say that K is doing well now and doesn't choose to
22 talk about it. But he does, if he is asked.

23 He is a student at Luzerne County Community College
24 and doing very well and liking school more than he did in
25 high school. He is still in close contact with all of those

1 friends and still hanging out, and they still have those
2 shirts.

3 At the end here I did write some few things that I
4 thought are ways that things could be changed, if I could
5 read them.

6 JUDGE UHLER: Absolutely.

7 MS. M: I have down as for information, which I'm
8 sure many would agree, no parent should be left without
9 nothing but a post-it note regarding the whereabouts of
10 their child. To me it was like my child was kidnapped. And
11 I can't imagine my father either, being 75 and having to
12 give that to me, pacing on my porch when I returned home
13 that night.

14 Most parents, or any individual, are not familiar
15 with the system so have no idea what to expect or who to
16 call for help. The state and the county should provide
17 paperwork or some standardized advice for parents in a form
18 of a guide book or a hand out and who to call or where to
19 get information, and not be pushed away and let you know
20 your child's status and where they are, not two days later.

21 I did not know that day or until the end of that
22 next day where my child was even taken. They never told me,
23 either one of us. Even when I called the lady was very
24 blunt. You have to call this number, and I do not know
25 where they took him. The people who answer the phone calls

1 should be trained to respond knowing that those are the
2 people that the phone number you're given. You're going to
3 call them. They should be able to answer the most common
4 questions and be able to help you instead of transferring
5 you or giving you the I do not know or I cannot help you at
6 this time.

7 As for probation, the juvenile probation office
8 should be investigated because they are the individuals who
9 give the recommendation and punishment. They should never
10 have that much power as they do in which in my son's case
11 they did. They had it all written out and just handed it
12 over, and he never read it.

13 Probation personnel appeared heartless when
14 questioning us. They are as guilty as the judges because
15 they are a part of it who accepted their recommendations
16 because probation could have first looked a little closer
17 and listened a little longer. And I wonder whether
18 probation was involved in the overall conspiracy in some
19 way, and I hope time will tell and the truth will come out
20 in that.

21 Placement centers should also need to be
22 investigated without advanced warning. Because I'm told
23 that they do come up -- media and stuff do show up there,
24 but they're always warned ahead of time. So of course it's
25 going to look like a palace.

1 No child should ever have to worry about being hurt
2 or staying awake at night or being suffocated or trying to
3 be drowned with water. And that's the only water that you
4 get all day at this camp. And when they empty it you get no
5 other water.

6 Like getting covers and beaten, covers over your
7 head and suffocated, and there's no cameras to report
8 anything. That all should be investigated.

9 Luzerne County should have an early release option
10 for good behavior. Every other county does, as I looked
11 into it and asked many questions. My son watched kids from
12 other counties and communities sent into placement at the
13 same place he was for more serious allegations be released
14 within a week, be released within a month, long before him
15 as he had to sit there and watch that because we live in
16 Luzerne County. No one in Luzerne County gets released
17 early. But now we found that not to be true since we have
18 the proper -- proper help outside of Luzerne County.

19 There needs to be predictability about placement
20 policies regardless of where in the state you come from.
21 There should be more things in writing as to how long or
22 early release and not that we can't do anything about it.
23 That it's a definite 90 days. And when that 90 days, I was
24 told, comes about that's not to say that you will be here
25 either because we have to find a place in the court for you

1 to appear. So you could be there longer.

2 Crowded dockets, there should be -- there should
3 not be so many cases crammed into a single day for judges.
4 Judges need to take time and actually read about the case
5 and understand, maybe even be familiar with the child if
6 they're there frequently, and understand the content of the
7 situations and get both sides of the story.

8 It's the judge's job to be fair and honest after
9 considering all relevant background information. If there's
10 so many cases in a day and there's not that much time, that
11 really truly isn't fair to be put on the stand and be gone
12 within a minute, two minutes, or five minutes.

13 Police and District Attorneys, as in this case,
14 were interviewed by -- interviewed shortly after the
15 incident. But yet it was almost a year to the day until we
16 were notified of any charges, almost a year later, only
17 because he said he had to get it in or that it would be
18 thrown out.

19 So, again, that's the police department not
20 thoroughly doing their job in putting it on the desk
21 somewhere because he didn't think it was important, and he
22 didn't think it was serious, so he put it aside. But then
23 when it was brought to his attention because the paperwork
24 was elsewhere, now let's get it done because it's almost a
25 year.

1 We had thought the whole thing had been dropped
2 because it was that long length of time that we never heard
3 anything. That should also be looked into and changed.
4 Nothing should be laying on somebody's desk for such a long
5 period of time before processing.

6 And the District Attorney's should not take any
7 minor incidents like K's out of context and charge them with
8 serious offenses. And they need to be informed of their
9 charges and be explained as to who they are and what they
10 do.

11 And I have listed here as a gatekeeper. There
12 needs to be a better gatekeeper. Our juveniles in court for
13 some minor offenses and first time offenders can be
14 identified and diverted from such a harsh system.

15 That's all I have here. I thank you for your time
16 and listening to our story. And I'll be happy to answer any
17 questions.

18 BY MS. BENDER:

19 Q Thank you, very much. I know that was difficult
20 for you. You did a great job. Did I understand you to just
21 say that it was a year after the incident when the charges
22 were filed?

23 A Yes.

24 Q And who did you call when you tried to change the
25 date, when you couldn't make that day?

1 A I called the courthouse. I actually -- at the time
2 I was told to speak to Sammy Gusto because he worked, and he
3 was the one that took care of that. But at the time he was
4 on a little mission on his own with the court. So that
5 wasn't going very well, and I didn't think it was going to
6 happen, but that's who I was told to contact.

7 Q And it was your father that went to court with your
8 son?

9 A Yes.

10 Q Did you go to an intake hearing before the court
11 date with your son, not with probation?

12 A Oh, at probation, yes.

13 Q So you met with the probation officer prior to the
14 hearing?

15 A Yes.

16 Q Did anyone ever tell you that you needed or did not
17 need an attorney?

18 A They were very rude. They mentioned getting a
19 lawyer. And I said, do you feel that I need one for
20 something so minor, and he's a first timer here? And he
21 said, ma'am, you can do whatever you'd like. I don't advise
22 it. It's probably a waste of your money, and it's probably
23 not -- you're going to waste your money, because it's not
24 going to change the ruling of the judge.

25 Q And that was the probation officer that told you

1 that?

2 A Yes, um-hum.

3 Q And your son pled guilty. Did the -- do you know
4 -- I know you weren't in the court, but do you know if the
5 charges were read to him before he pled guilty?

6 A They were not. That's only because I went over
7 this with my dad. And he wanted to be here, but he's very
8 sick with cancer right now, so he couldn't be here.

9 Q I'm very sorry to hear that. Do you know if your
10 son signed a paper that waived his rights to an attorney?

11 A I don't know. I honestly don't know that one.

12 Q Was there any other testimony other than your son
13 pleading guilty?

14 A No. They were in and out.

15 Q What did the post-it note say?

16 A It had on it Dolores and a phone number. That's --

17 Q That's it?

18 A That's all. When I got home he had it stuck on his
19 finger. And I knew something was wrong because he was
20 pacing on my porch. And K never answered his cell phone. I
21 tried to call on our trip back. And he was just pacing, and
22 he had it stuck to his finger. And he said, this is all
23 they gave me, and they took K.

24 Q And it just had a person's name on it and a phone
25 number?

1 A It had Dolores on it and a phone number.

2 Q How often were you allowed to visit with your son?

3 A Every other Sunday for one hour. You had to
4 schedule it. And if they didn't have a time for you, you
5 didn't get to visit. So you had to make your appointments
6 ahead of time. So like if -- what they told me, he was
7 there 90 days. For all the Sundays I had to make all the
8 appointments, or I would never be able to see him.

9 Q So you made them all way ahead of time?

10 A Yeah, or you didn't get in.

11 Q Could you describe his condition when you saw him
12 on those Sundays?

13 A It was -- it was horrible. He was -- he was
14 completely -- they weren't allowed to shave. And I get the
15 razor thing, but I don't know why someone couldn't have done
16 it for him. He was -- his hair was long. He was sweaty.
17 He was all broken out. He -- he said probably from the soap
18 that he was using. He had 2X shirts on, which he's 17 years
19 old, and he was only about 120 pounds. They were full of
20 holes.

21 He had it tied to the side to actually fit him, and
22 his sweat pants he had to tie. They actually let him tie
23 it, which really surprised me. But they were big, and he
24 had them tucked in his boots because they were too long.
25 And the boots were two sizes too big that he had on, and he

1 had blisters and sores on his feet.

2 Q Did you ever see him with injuries when you visited
3 him?

4 A No, other than his feet and his face being -- but
5 that could have been from all his long hair and -- but
6 nothing other than that other than getting beat up that one
7 time.

8 He kind of stayed awake as long as he could too.
9 Like he didn't sit like I am. He had to sit with his back
10 up against the wall, or someone would always come back with
11 a sheet or something and wrap around your neck. Only
12 because he witnessed that. It never happened to him. Just
13 the pillow case thing happened to him.

14 Q What is the pillow case thing?

15 A They take their pillow case off their pillow and
16 they pull it over your head, and they throw you to the
17 ground and beat you up and kick you and try to break your
18 ribs and stuff until you can't take it anymore. And then
19 they take it off, and they just leave you there to hurt.

20 He didn't tell me that until he got released. And
21 I wish he had, because maybe I could have done something up
22 there also.

23 Q How's all this changed your life?

24 A You have a totally different outlook. I mean, I
25 had a really bad outlook then, and I still do. K -- K is

1 totally -- doesn't want anything to do with it. He's very
2 careful what he does, what his friends do, and he's able to
3 tell people what will happen.

4 Because he was also told, you know, you're going to
5 Ciavarella. And he says, it's bad. He's not -- there's no
6 nice about him, that you'll totally be put away. He was
7 told that before we even went in there.

8 But I tend to hang with it because I said I would
9 do this to the end for his sake. But the better is the JLC
10 that came into it. So that gives you a little pot of gold
11 at the end of the rainbow.

12 MS. BENDER: Thank you. That's all I have.

13 BY MR. LISTENBEE:

14 Q First of all, thank you very much for coming in to
15 tell your story and your son's story. Before you were able
16 to start talking to the Juvenile Law Center can you tell us
17 a little bit about who you tried to contact to help you and
18 your son?

19 A Well, first, like I said, I tried to call the
20 courthouse itself to get that date changed. Other than that
21 we just showed up with the date that was given to us on the
22 paperwork that came in the mail in which we then went to the
23 juvenile probation office.

24 Q Did you try and contact the bar association in the
25 county or any other lawyers in the county?

1 A No, no.

2 Q Did you try and contact the Judicial Conduct Board
3 or have any relationship with them at all whatsoever?

4 A No. I didn't know who to call or what to do. I
5 was just hearing stories from other people and relying on
6 advice from other people that could help me. But this all
7 kind of happened really fast. Like their number had come up
8 before I had a chance to even really investigate into
9 anything. Everything happened so fast because of the time
10 line that was involved in it. Like everything was rushed.
11 So then like they came into it, so I really didn't have to
12 go any further than that because they really helped us.

13 Q Okay. You've indicated that you recommend that we
14 spell out what needs to be provided to parents in writing.
15 Can you elaborate on that a little more? For example, let
16 me give you some possibilities.

17 Are you talking about putting this on the internet
18 so that a parent could go to the internet and get forms?
19 Are you talking about handing the forms out in the
20 courthouse at the time of disposition? Are you talking
21 about being able to have a statewide organization or
22 something have this information? What do you have in mind
23 when you're recommending that to us?

24 A All of the above would be good. Just walking in
25 there as a first timer when you show up there everything is

1 new to you, so you don't know. I felt like I should have
2 had even like a packet like this.

3 Q Um-hum.

4 A With optional phone numbers on it, who to call and
5 who can help you or get advice or get -- or even numbers of
6 attorneys that are affordable or that would help you or --
7 and that -- in that sense.

8 Q Who are you thinking should provide that? Should
9 the probation -- when you said they were very rude to you,
10 so would that be someone that you'd want to go to, or who do
11 you have in mind providing that information?

12 A I think that's a start right there. Because that's
13 -- that's the first place that I had gone to. Or even --
14 because we had to go to the Kingston Police Department. You
15 know, if they thought that something was going to turn out
16 like this, maybe they could have provided a list of maybe
17 you might want to call these people because you're going to
18 be going to the probation center. You know, you might want
19 to call these people, you know, and get advice or seek --
20 you know, seek some other kind of help or something like
21 that.

22 Q Let me ask you if there were a videotape on the
23 internet that described how the juvenile justice system in
24 Pennsylvania functioned, would you have gone to the internet
25 and looked at that to get a sense of it?

1 A Oh, absolutely, because I was clueless. I felt
2 like I went in there with blinders.

3 Q If there was an ombudsperson available, would you
4 have contacted that person?

5 A Sure. I would have probably called anybody that
6 they had given me a phone number for just for information.

7 MR. LISTENBEE: All right. Thank you very much.
8 And, again, thanks for coming in and sharing.

9 JUDGE UHLER: Mr. Mosee.

10 BY MR. MOSEE:

11 Q May I ask, was your son charged with a misdemeanor?

12 A No. Just simple assault.

13 Q Misdemeanor?

14 A Yeah.

15 Q Yes. When did that occur?

16 A The actual date that it happened?

17 Q Right. And the year would be fine.

18 A So it was about a year. I believe it was March the
19 22nd of 2007.

20 Q 2007. And then you didn't hear anything else about
21 it until 2008?

22 A They had -- he had shown up at my home. Again, I'm
23 back with the post-it notes. When I got home from work that
24 day there was a post-it note on my front door. Call -- and
25 I don't remember his name, but it had call detective so and

1 so, and he left the phone number on it. Which I did, and K
2 and I had gone over there.

3 And he just explained very briefly, I think we were
4 there 10 minutes, you know, he asked him what had happened,
5 and he explained. And he said, okay, we'll be in touch with
6 you, and I said okay. He never said that anything would go
7 that far. Nothing was ever said.

8 And I thought, okay, we're going to get something
9 in the mail. He's going to call us back. But then never,
10 ever happened. So I just assumed that it was over and done
11 with. Because that -- like I said, that whole year went by.

12 Q Was your son arrested in 2007?

13 A No.

14 Q So there were police on the scene though? Is that
15 how this detective came to be aware of it?

16 A Yes, yes.

17 Q But he wasn't taken into custody at that point?

18 A No.

19 Q Did he make a statement at that point? Was he
20 questioned on the street?

21 A Yes.

22 Q All right. But didn't hear anything about it until
23 a year later?

24 A Right.

25 Q Did anybody explain to you why it took that long?

1 A He briefly stated that he got -- it got pushed
2 aside because he didn't think it was of importance. But
3 then --

4 Q Was the -- was the victim in court, if you know,
5 when your son and your father --

6 A Yes, he was.

7 Q -- appeared? Okay. Now, you said that he was only
8 in for 57 days for what was supposed to be a 90 day stay; is
9 that correct?

10 A Yes.

11 Q And that was as a result of the Juvenile Law Center
12 intervening?

13 A Yes.

14 Q What was the basis for the reversal in this case?

15 A The habeas corpus.

16 Q It was another habeas?

17 A Right, yeah.

18 Q Okay. And what was the basis for the reversal?

19 MS. DESAI: Denial of the right to counsel.

20 MR. MOSEE: Denial of the right to counsel, okay.

21 All right. I don't have anything else. Thank you, very
22 much.

23 BY JUDGE GIBBONS:

24 Q The post-it that you got, Dolores and the phone
25 number, did you call that number?

1 A Yes.

2 Q And did you ultimately learn where you were
3 calling?

4 A Yes. I did -- I had gotten in time before she was
5 just getting ready to leave. And she said, you know, I'm
6 off. She made it known that she was leaving work, which I
7 understand that. But I just was talking as fast as I could.

8 And I had asked her, you know, what should I do?
9 And I said, do you know where my son is? And she said, I do
10 not know that. And she said, I can -- you can call the
11 juvenile probation center tomorrow, and they will have his
12 probation officer listed, and they will connect you to
13 whoever he is assigned to, and he can tell you where he is
14 and what's going on.

15 And I had asked her if she received a check,
16 because I had sent my dad with a check for court fees. And
17 she said, yes, I have it. And I said, did you give him a
18 receipt? And she said no. And I said, can I please have
19 one? And she said, you'll get it in the mail, which I never
20 did.

21 Q Where did she work? Was she with the court? Was
22 she with probation? What was she? Do you know?

23 A I don't know.

24 Q Okay.

25 A Wherever -- it had to be in the court because my

1 dad came out of there and that's what she -- she had wrote
2 it herself on there for him.

3 JUDGE GIBBONS: Okay. That's it.

4 JUDGE UHLER: Mr. Allen.

5 BY MR. ALLEN:

6 Q Now, you -- did you have a disposition review
7 hearing, or did you have a brand new hearing because of the
8 habeas corpus petition?

9 A I had a brand new hearing.

10 Q And what was the result of that?

11 A They totally -- they did a totally different -- it
12 was a different judge also. I can't remember his name
13 either, but he gave him six months probation and just 20
14 hours of community service.

15 Q I have some questions about your -- how much this
16 cost you. Would you mind if I asked you what the court fees
17 were and everything and placement fees and things like that?
18 It sounds like there's even fees for parents in this county,
19 because I guess one of the parents said he had to pay a fee
20 for himself to the Probation Department?

21 A Yeah. And from what I understand, because I've
22 been at many of these things and I hear all these different
23 amounts, and it's -- I don't know who sets these amounts for
24 all these places, but some are very expensive. And I'm
25 concerned when I hear from other people. I got off really

1 cheap.

2 But the court fees, every time I went there they
3 were -- they always charged \$70. And it was \$35 a month to
4 the probation center for his placement. And if you didn't
5 have it on time, they were sending you a letter, and they
6 said that he would be staying at the camp longer if I didn't
7 have it in on time.

8 And that kind of scared me because I thought, here
9 I am fighting to get him out of there, and they're telling
10 me if I don't have that in there. And that is -- I had to
11 pay domestic relations \$150 for the camp. Was it camp?
12 Probation? That was -- that was due every -- every second
13 week to the camp, \$150 or something like that. And you had
14 to send that to domestic relations. I had to have that in
15 on time or they garnished your wages.

16 Q So you're saying they threatened to keep him longer
17 if you didn't -- didn't --

18 A They said --

19 Q -- pay their fees?

20 A -- late payment would be -- could be a result in
21 your child's placement is how they stated it.

22 JUDGE UHLER: Do you have that letter?

23 THE WITNESS: No, I do not. I was never given that
24 letter. That's just what they told me in person.

25 JUDGE UHLER: Was there any written correspondence

1 given to you that you have -- you --

2 THE WITNESS: I can look through my things at home
3 and see.

4 JUDGE UHLER: Would you do that, please?

5 THE WITNESS: Sure.

6 JUDGE UHLER: I'm sorry.

7 MR. ALLEN: No, that's it. That's all I have.

8 And, again, I want to thank you for bringing up all these
9 things that I know are very, very emotional for you. We do
10 appreciate that.

11 BY JUDGE UHLER:

12 Q Anyone else? Just two quick questions. With
13 regard to the Judicial Conduct Board, were you told by
14 anyone that filing a complaint or an allegation with the
15 Judicial Conduct Board would be appropriate?

16 A No.

17 Q Not even the Juvenile Law Center?

18 A I can't answer that honestly because I'm trying to
19 think back, and I can't remember. I was told so many things
20 that I can't --

21 Q But no one provided you a form to do that or
22 assisted you in filing such a form, I gather?

23 A No.

24 Q Do you recall who the intake probation officer was
25 that was so rude?

1 A The name that comes to the top of my head, but I'm
2 not absolutely positive, the last name was Piazza. That's
3 the name that sticks in my head. And I should have wrote
4 things down, but I didn't think this was going to happen.
5 So you don't kind of --

6 Q Okay.

7 A And I just -- and another thing I didn't also
8 understand is why -- why it didn't go to a magistrate before
9 the court. That really confused me too. Because like I
10 read stuff in the paper where I live, and I read so many
11 simple assault cases, and they go to a magistrate.

12 Q So I gather you had no real explanation of this
13 process?

14 A No.

15 Q By anyone as you were going through?

16 A No, nothing.

17 JUDGE UHLER: I appreciate your coming in, and I
18 understand the -- the stress that was exacerbated by your
19 father having to experience this as well as your son. And
20 hopefully through your testimony and the testimony of others
21 some real progress will be made. Thank you. If you can
22 find any of those letters though, please provide them
23 through your counsel.

24 THE WITNESS: Sure. Absolutely.

25 JUDGE UHLER: And any -- and any receipts for these

1 various costs that you're referencing. They're a bit
2 inexplicable to even someone that's in the justice system
3 for 21 years that I'd like a little better explanation.

4 THE WITNESS: Yeah, I believe --

5 MS. DESAI: We have a number of those.

6 JUDGE UHLER: Okay. Good. Thank you. I
7 appreciate it.

8 MR. GIBBONS: Thank you.

9 THE WITNESS: Thank you.

10 JUDGE UHLER: I think if it's satisfactory, we'll
11 take a very brief recess of ten minutes. And then I think
12 we have one more witness.

13 MS. DESAI: Two.

14 JUDGE UHLER: Two more witnesses. I apologize for
15 those witnesses that have been in the wings. We're
16 attempting to accommodate this as best as we can. Thank
17 you. We'll take a ten minute recess.

18 (Recess taken from 6:52 p.m. to 7:10 p.m.)

19

20 MR. J, called as a witness, being duly sworn,
21 testified as follows:

22

23 JUDGE UHLER: Thank you. And how do you wish to be
24 identified?

25 THE WITNESS: Mr. J, please.

1 JUDGE UHLER: Mr. J, do you have a written
2 statement to offer?

3 THE WITNESS: Yes, Your Honor. To each of the
4 Interbranch Commission I truly thank you. I appreciate the
5 additional hours and workload you have taken on in this
6 role. I appreciate and respect your traveling from Erie,
7 Pittsburgh, Philadelphia, and points beyond to be here
8 today. I'm grateful for the opportunity to be here today to
9 provide you with testimony about the nightmare my family and
10 so many others endured.

11 In October, 2006 my daughter received a ten day
12 out-of-school suspension for possessing a lighter and a
13 pipe. However, there was no controlled substance and no
14 residue. At the time she was 16 years old and in her junior
15 year at Crestwood High School.

16 She was a good student and had never been in
17 trouble at school. The following month, in November, 2006,
18 we received a letter from the Juvenile Probation Department
19 of Luzerne County.

20 I'd like to point out it wasn't the incarceration
21 department. It was the Juvenile Probation Department of
22 Luzerne County asking us to attend a intake hearing. The
23 letter said that the Fairview Police had filed charges
24 against her for possession of drug paraphernalia on school
25 property.

1 The letter said we had the right to be represented
2 by an attorney at the interview. This was my daughter's
3 first encounter with law enforcement. Since my family had
4 no prior experience with law enforcement when we received a
5 notice from the Probation Department we assumed that meant
6 our daughter was going to be on probation. It never
7 occurred to me that she would be taken from our house and
8 placed in a facility.

9 We met privately with a professional licensed
10 counselor to help our family through this process. The
11 counselor advised us that when appearing before Ciavarella
12 having an attorney may make things worse. Moreover, he said
13 that a first-time alleged offender charged with a
14 non-violent misdemeanor would typically get probation and
15 community service.

16 In December my daughter and I attended an intake
17 interview at the Juvenile Probation Department where we were
18 interviewed separately. We did not have an attorney with
19 us. At the conclusion of my interview the juvenile
20 probation officer told me we needed to appear for a
21 adjudicatory hearing in January, 2007.

22 She told me we did have a right to have an attorney
23 at that hearing. The juvenile probation officer also said
24 she would recommend probation because my daughter was a
25 first-time offender, had good grades, and, quote, seemed

1 like a good kid, unquote.

2 On January 30th, 2007 I accompanied my daughter to
3 her adjudicatory hearing. Upon entering the reception area
4 for juvenile court we identified ourselves to juvenile
5 probation. We did not have a lawyer with us. No one asked
6 whether my daughter was represented by counsel or whether we
7 understood she had the right to be represented by counsel.

8 I did not recall signing any papers waiving her
9 right to counsel. My daughter's case was called first. We
10 appeared before Judge Ciavarella, and the entire hearing
11 seemed to me to last no longer than 90 seconds.

12 No one was sworn in. Judge Ciavarella never
13 acknowledged my presence. He never even looked at me.
14 Judge Ciavarella made no attempt -- made no mention rather
15 about my daughter's right to be represented by counsel.

16 When asked what her plea was she admitted to the
17 charges. Judge Ciavarella then asked her whether she
18 recalled hearing his presentation at Crestwood High School.
19 He asked her what he said about drugs, and he asked her what
20 she thought he was going to do.

21 When she slowly replied hesitantly that he would
22 send her away, he agreed, adding that he did not feel bad
23 because he tells students he'll send them away if they
24 appear before him on drug charges.

25 He then ordered her into placement immediately. I

1 was stunned by the outcome. We were not prepared for our
2 daughter to be placed. I felt as though I had failed my own
3 child. She was taken away in handcuffs, and I was not
4 allowed to say goodbye to her. Instead I was directed out
5 of the courtroom and met with a case worker from the
6 residential facility who told me she would be placed for
7 three months in Camp Adams, a residential facility 60 miles
8 away from our home.

9 We were not allowed to see her for the first two
10 weeks she was at Camp Adams. This was devastating for both
11 my wife and I. There was a miscommunication with the camp
12 staff about her first supervised phone call, and our
13 daughter called at a time when neither my wife and I were
14 home. I will never forget the voicemail on our phone and
15 hearing her fully-justified anger and sense of betrayal that
16 we were seemingly too busy to take the time to talk to her.

17 Fortunately that mistake was corrected that night,
18 and we were able to speak with her, but I will always
19 remember her anger from that first phone call. Those three
20 months were a constant time of fear and worry for my wife
21 and I. There are other details I could add concerning this,
22 but I prefer to keep them private.

23 After being released from Camp Adams my daughter
24 was placed on intensive probation for an additional three
25 months. During this time she was drug tested weekly and

1 always tested negative. When she went back to her regular
2 high school she was behind in credits because of her
3 placement at Camp Adams, and she had to work very hard to
4 catch up. But I am proud to say that she completed the 11th
5 grade with a B average, and she graduated from Crestwood in
6 2008.

7 However, having heard the stories of indefinite and
8 lengthened incarcerations of other youth, we lived in
9 constant fear that a jaywalking fine or minor traffic
10 violation would send her back into Ciavarella's system.

11 Her 18th birthday was truly a time of celebration.
12 Her adult status set her free from the powerful grasp of
13 Ciavarella. I believe that I now have a responsibility to
14 other families to warn them not to be deceived and abused as
15 we and so many other families were.

16 Prior to this ordeal I had an unshakable, but very
17 naive faith in the American justice system. I come with an
18 admonition to the adult world. Rest assured the next
19 generation of Luzerne County is watching the situation and
20 pending criminal trials closely. We as a local community
21 cannot afford a poisoned young generation with a contempt
22 for justice and the rule of law. All that is necessary for
23 evil to triumph is for good men to do nothing.

24 Unfortunately as the Interbranch Commission is well
25 aware, numerous good men and women in this county did

1 nothing and evil prevailed.

2 I would like to make a couple of comments and
3 recommendations. No. 1, the welfare of our children is a
4 matter of utmost public importance.

5 2, the juvenile justice system should not be seen
6 as less important, less worthy of talented judges,
7 attorneys, and other professionals. District Attorneys
8 especially must provide particular attention to the juvenile
9 justice system.

10 3, the law should be changed such that juveniles
11 can never waive their right to counsel, ever. Once this
12 change is instituted parents should be warned about the
13 prohibition of waiver for counsel of juveniles. I
14 understand this Commission is considering what it means for
15 their to be effective avenues for judicial oversight in
16 place. Unfortunately I believe that the Judicial Conduct
17 Board, as it's currently constituted, is poisoned beyond
18 repair and must be reconstructed entirely.

19 Finally, I am convinced that a new balance must be
20 struck to allow and actively encourage journalists and
21 juvenile advocacy groups, such as the JLC, to regularly
22 attend juvenile hearings and report on events within the
23 court without disclosing the identities of juveniles.

24 On a positive note, local journalists have
25 definitely investigated judicial corruption as best they

1 could. The Citizen's Voice, the Times Leader, WNEP, and
2 WBRE as well are to be commended as heros in this ugly
3 chapter.

4 I would like to end by thanking the Interbranch
5 Commission for your commitment to real justice. Thank you.

6 JUDGE UHLER: Mr. Allen.

7 BY MR. ALLEN:

8 Q Thank you for coming. I have a couple questions.
9 How old was your daughter when this happened?

10 A 16.

11 Q And I understand -- are there school resource
12 officers assigned to Crestwood, or was this -- were the
13 police called by the school after this incident?

14 A My understanding is the school called the local
15 police, and the police came and questioned her and searched
16 her. But I'm -- but once again, I wasn't there. So I'm not
17 clear as to exactly that sequence of events. I was then
18 called to the school after the police were there, and they
19 layed out the events. So by the time I arrived the police
20 were already there, and she'd already been questioned and
21 searched.

22 Q After -- after the admission was made in the
23 hearing did the judge explain to your daughter what it meant
24 to admit to the incident?

25 A No.

1 Q In other words, what rights she was giving up, her
2 right to have a hearing, and things -- and prove the case
3 beyond a reasonable doubt, et cetera, et cetera?

4 A No, sir. Absolutely nothing.

5 Q After she was released was there a disposition
6 review hearing where the judge met with you and with your
7 daughter to discuss the next stages after the placement?

8 A I vaguely recall we went to a series of what I
9 would call cattle calls approximately once a month where
10 large numbers of parents and children were shuttled through.
11 And someone would read a brief report about their progress
12 or lack thereof, and it would take a minute or two, and then
13 the next family would be called in.

14 Q And the release of your daughter was created by the
15 progress she was making? Is that what I understand? It was
16 discussed at these meetings?

17 A No. A two-part answer. She received a 90 day
18 sentence. And while I need to allow J to testify for
19 herself, during her time at Camp Adams she was told that
20 girls from other counties at times received early release
21 for good behavior, but it never happens with someone from
22 Luzerne County. That girls from other counties would
23 occasionally receive a weekend pass to be with their
24 families, but it never happened for -- with someone from
25 Luzerne County. So it was set in stone.

1 Q What kind of fees were you assessed for -- from the
2 Probation Department and et cetera throughout the whole
3 process?

4 A My recollection is a little hazy. I think during
5 her time at the facility it was approximately 350 a month.
6 And I believe during her months of probation afterwards it
7 was approximately 30, \$50 a month. We got to appear before
8 Dr. Vita, and there was some sort of fee there. I don't
9 believe it was a large amount.

10 Q Did you get a chance to read the report that Dr.
11 Vita --

12 A No.

13 Q Did you ask and they just refused to give it to
14 you?

15 A At the time, no. We didn't realize that we had
16 that option. And by the time -- put it this way. By the
17 time -- at the time of the meeting we realized he hadn't yet
18 composed his report. Then the next thing we knew she was
19 sent up for 90 days and our attention was on other than Dr.
20 Vita's report.

21 Q During the hearing was there a District Attorney
22 present?

23 A I don't know. There were a lot of people in the
24 room. No one was identified. No one was sworn in.

25 Q My last question. You mentioned Judicial Conduct

1 Board. Were you aware that the Judicial Conduct Board
2 existed, or did you find that out later?

3 A I -- I found that out later. And like a lot of
4 citizens, I've learned a tremendous amount about the way the
5 system works over the last several years.

6 MR. ALLEN: Thank you for coming in. I appreciate
7 it.

8 THE WITNESS: Thank you.

9 BY MR. MOSEE:

10 Q You said you went to see a licensed counselor
11 before the adjudicatory hearing. Was that somebody who was
12 affiliated with the court?

13 A No, sir.

14 Q But that person actually gave you advice as to what
15 the outcome of the case might be?

16 A He said -- he said based on his past experience
17 that it usually doesn't do any good to -- he was a counselor
18 with youth who had dealt with other youth who had been sent
19 through the juvenile system. And his perceptions were that,
20 in his words, that having a lawyer usually doesn't make any
21 -- any difference. Sometimes it makes it worse. But as a
22 non-violent first-time misdemeanor offender he couldn't see
23 her getting anything beyond probation.

24 Q And how did you come to -- to seek out this person?

25 A Well, the people at the probation office said that

1 if you're having some kind of -- if you think there's any
2 possibility your daughter might have some kind of problem or
3 issue or whatever, that you should attempt to seek help. So
4 we were going through the motions of seeking a diagnosis.
5 The counselor said your daughter has no problem that I can
6 diagnose.

7 Q Okay. Moving ahead in time some. When Judge
8 Ciavarella announced the disposition did he come right out
9 and say your daughter is going away for 90 days?

10 A I do not recall the precise words.

11 Q Do you recall how it is that you came to be under
12 the impression that the commitment was for 90 days?

13 A Okay. Well, keeping in mind that when it first
14 happened I was just stunned. But as I was taken out of the
15 courtroom a representative of Camp Adams clarified that to
16 me.

17 Actually I -- I don't even recall him specifically
18 mentioning 90 days, but I do specifically recall that the
19 representative from the camp said that she would be there
20 for 90 days.

21 Q And in any event, she was there in FACT for 90
22 days?

23 A Yes, sir.

24 MR. MOSEE: All right. That's what we would refer
25 to as determinate sentencing, which is something that's not

1 supposed to happen in the juvenile justice system?.

2 THE WITNESS: Yes, sir.

3 MR. MOSEE: Thank you, very much.

4 THE WITNESS: Thank you. Thank you, very much.

5 I'm sorry.

6 BY MR. LISTENBEE:

7 Q Thank you. I would like you to turn to the
8 recommendations that you made to the Interbranch Commission,
9 if you will, for just a minute.

10 A Certainly, sir.

11 Q I understand some of them fairly clearly, and I
12 understand the complexity of them, but I'd like to -- just a
13 couple of them I'd like you to just elaborate a little bit
14 on.

15 No. 2 you indicated that the juvenile justice
16 system should not be viewed as less worthy than some of the
17 other systems. Could you elaborate on that a little bit so
18 we can understand what action we might take to respond to
19 such a recommendation?

20 A Well, I would have to refer specifically to events
21 in Luzerne County. The District Attorney, the then District
22 Attorney, had -- had filed a -- when the King's Bench Appeal
23 was made by my family and another family, and it was
24 obviously supported by the state attorney and various other
25 agencies, the local District Attorney said that it was not a

1 matter of utmost public importance.

2 And I find that a shocking statement, especially in
3 light of everything that's come to light.

4 Q Okay. All right. What about the second
5 recommendation? Could you elaborate on that just a little
6 bit?

7 A Okay. Just to make it perfectly clear to the
8 juvenile that -- that the juvenile -- it has to be made
9 perfectly clear to the juvenile in writing that they have a
10 right to counsel, and that no one else can waive their right
11 to counsel specifically.

12 Q Okay. I'm going to bypass the Judicial Conduct
13 Board oversight because it's an extremely complex issue.

14 A Um-hum.

15 Q And I'm not going to ask you to elaborate on that
16 unless you really desire to. But if you can go to the next
17 one, we can come back to that if so desire.

18 A Certainly, sir.

19 Q Find a new balance. Can you explain what you mean
20 in the last one here?

21 A Okay. I truly believe, in fact I'm absolutely
22 convinced, that if the local news media, journalists, groups
23 like the JLC, if they could have been present in court to
24 know that these things were going on, it would have been
25 brought to a halt much sooner.

1 I don't think -- some of the things that would have
2 happened, I don't think that they would have dared behaved
3 in -- in the way they did if they knew that they weren't
4 protected by a veil.

5 Q Okay. Are you suggesting that voluntary
6 participation by these organizations, which is what it would
7 be?

8 A Right.

9 Q Unless they were obligated in some way or unless
10 someone else was obligated to be there that they would
11 voluntarily appear? Because under the laws of the
12 Commonwealth the courts are open for certain kinds of cases.

13 And so -- and people have not come running into our
14 courts to see what's going on. So are you recommending or
15 -- that this be an obligation on the part of the news media
16 or obligation on the part of the JLC or some other
17 organization to be in the court? Because I have not seen
18 them come into court very often quite frankly.

19 A It's based on my -- my perception working with the
20 gentleman from -- from the JLC who is no longer employed by
21 them. But that, you know, he was constantly asking us to
22 network to try to get the names of -- of other children who
23 had been through the Luzerne County court system so that he
24 could speak with them and -- and to see what their
25 experiences were. And so from that I -- I deduced that they

1 did not have regular access.

2 Q And I'll give you a chance to, if you will, if you
3 want to comment further on the Judicial Conduct Board
4 oversight. You said it needs to be reconstructed. Do you
5 have a suggested form or structure that we ought to be
6 considering?

7 A Well, for starters I was dumbfounded by some of the
8 previous testimony I heard tonight. I've read as well of
9 other contacts with the Judicial Conduct Board. I wish I
10 could offer you specifics, but someone was clearly asleep at
11 the wheel. Someone did not find the issues in Luzerne
12 County worthy of their attention.

13 I'm certainly no friend or defender of a certain
14 other recently deposed judge, but when I look at what that
15 judge was accused of versus what Judge Ciavarella was
16 accused of, I can find no explanation at all for their lack
17 of attention to the Judge Ciavarella and the Luzerne
18 juvenile system. It just boggles the imagination.

19 MR. LISTENBEE: Very well. Thank you, very much.

20 THE WITNESS: Thank you, sir. Thank you.

21 MS. BENDER: Excuse me.

22 JUDGE UHLER: Woe.

23 THE WITNESS: I'm sorry. I apologize. I
24 apologize.

25 BY MS. BENDER:

1 Q I was a little late. That's all. I have -- just
2 have two questions for you. You said that you were sent a
3 letter by the Juvenile Probation Department advising you of
4 your right to an attorney at the intake hearing?

5 A Yes.

6 Q Did they ever advise you of your daughter's right
7 to an attorney at all proceedings, it's the review hearing,
8 the adjudicatory hearing?

9 A At -- at the later hearings, okay. First of all,
10 at the adjudicatory hearing there was no conversation on
11 that whatsoever. On the further monthly reviews that --
12 what I call cattle calls, there was no mention of that.

13 Q And you also mentioned Dr. Vita. Did you pay him a
14 fee directly?

15 A To the best of my recollection it was not directly
16 to him, but we paid a fee to the juvenile -- to the juvenile
17 system for his services.

18 MS. BENDER: Thank you. That's all I have.

19 JUDGE UHLER: Mr. Williams.

20 BY MR. WILLIAMS:

21 Q Mr. J, you said there was a King's Bench filed by
22 yourself and other families?

23 A Yes, sir.

24 Q And what was the response? I missed that. What
25 was the response by the DA at the time?

1 A I believe it's a matter of record in the local
2 newspapers that the District Attorney went on record
3 opposing the King's Bench Petition and said it was not a
4 matter of utmost public importance. And I profoundly
5 disagree with that.

6 Q And at the time that DA was David Lupas?

7 A My understanding it was -- and I could be wrong.
8 My understanding it was Jackie Musto Carroll at that time.

9 Q What year was this?

10 A Well, the King's Bench Petition was 2008.

11 MR. LISTENBEE: January.

12 MR. WILLIAMS: I stand corrected. You're right.
13 There's no statement to be made there. Thank you.

14 BY JUDGE UHLER:

15 Q Anyone else? I have one or two questions.

16 A Certainly, sir.

17 Q You indicated that you were met by a representative
18 by Camp Adams at the conclusion of your hearing?

19 A Yes.

20 Q Was that representative in your daughter's hearing?

21 A To the best of my knowledge, no. But I will say
22 the room was crowded with people. No one was identified
23 except for the judge. There were many people in that room,
24 but no idea who they were.

25 Q So given the nature of that contact, either the

1 person was in or someone advised the Camp Adams rep that
2 that was the disposition?

3 A Yes, sir.

4 Q But that person was standing outside the courtroom?

5 A Yeah. I -- I met with them in a different room in
6 the courthouse.

7 Q Okay. Do you have any documentation surrounding
8 the fees that you referenced that had to be paid?

9 A I will try to obtain that. Our bank doesn't
10 actually give checks back, but I believe I can produce
11 electronic copies.

12 Q Okay.

13 A And I will gladly do so.

14 Q With regard to the cattle calls, if you will, that
15 you referenced.

16 A Um-hum.

17 Q Was that involved with your intense -- your
18 daughter's intensive probation after placement in Camp
19 Adams?

20 A I believe that once a month youth were brought en
21 masse and someone read a brief progress statement.

22 Q So it was while they were under supervision?

23 A Yes, yes, sir.

24 JUDGE UHLER: Okay. Thank you so much for taking
25 your valuable time and being a part of this.

1 THE WITNESS: Thank you.

2 JUDGE UHLER: And I'm hopeful we'll make a
3 meaningful improvement on this system as a result.

4 THE WITNESS: Thank you for being here, and thank
5 you for caring.

6 JUDGE UHLER: Thank you.

7

8 MS. J, called as a witness, being duly sworn,
9 testified as follows:

10

11 JUDGE UHLER: Very well. You may proceed. How do
12 you wish to be identified?

13 THE WITNESS: You can call me Ms. J.

14 JUDGE UHLER: Ms. J, okay. Ms. J, do you have a
15 statement that you prepared?

16 THE WITNESS: I do, sir.

17 JUDGE UHLER: You may proceed.

18 THE WITNESS: Thank you for the opportunity to
19 speak before this important Commission. I am currently a
20 sophomore at Luzerne County Community College where I'm in
21 the criminal justice department. Next spring I'll be
22 transferring to Temple University where I will be continuing
23 to study criminal justice. I am considering going to law
24 school. However, I am not sure whether I will be able to
25 afford it. I have considered joining the Air Force after

1 college and then becoming a JAG attorney.

2 During the 2006-2007 school year I was enrolled in
3 the 11th grade at Crestwood High School. In October, 2006 I
4 was charged with possessing my friend's lighter and pipe. I
5 had always been a good student. I had never been in trouble
6 at school, let alone in trouble with the law.

7 My mother went to the local police station and
8 asked whether I could get a lawyer. A police officer gave
9 us a phone number for the Public Defender's Office.
10 However, the police officer discouraged us from calling
11 saying that I was probably ineligible for a public defender
12 due to my family's income. They also told us that I would
13 likely just receive probation.

14 The word on the street was that everyone who goes
15 before Ciavarella gets placed, no matter how minor the
16 alleged offense. So I was convinced that I was going to be
17 incarcerated, even though the police said I would most
18 likely get probation.

19 I was terrified. My father accompanied me to my
20 interview with probation, but the juvenile probation officer
21 interviewed me alone. I was not represented by counsel
22 during this interview.

23 In January of 2007 I appeared before Ciavarella.
24 Neither prior to nor during my court appearance did anyone
25 ask me whether I was accompanied by counsel or whether I

1 understood that I had the right to be represented by an
2 attorney.

3 The court officer read the charges and asked me how
4 I intended to plead. I thought my only option was to plead
5 guilty, so that is exactly what I did. No one asked me
6 whether I understood my right to contest the charges,
7 whether I understood the consequences of my admission, or
8 whether I had discussed my admission with my parents or
9 lawyer.

10 Ciavarella declared that I would be sent away, but
11 he didn't say where or for how long. I was immediately
12 handcuffed and escorted out of the courtroom to a small
13 waiting room by a sheriff. I did not even have a chance to
14 say goodbye to my father.

15 I was in a small waiting room for several minutes
16 when I requested a urine test to prove that I had not used
17 any drugs. The urine test came up negative for any drugs or
18 illegal substances. I had to wait in that room for what
19 felt like ages. No one told me what was going on.

20 I had no idea where I would be going, when I would
21 be able to go home. I was beyond scared. Later the case
22 worker from Camp Adams entered the room and asked me to sign
23 some papers. When I began reading the papers she told me
24 not to read them. I told her that I refused to sign the
25 document without reading it first. When I asked what would

1 happen if I did not sign the papers, the case worker replied
2 then the judge will sign them for you. To this day I have
3 no idea what was written on those papers.

4 I was not allowed to see my parents for the first
5 two weeks at Camp Adams. This was extraordinarily difficult
6 for both my parents and for me. More than anything I was
7 worried about my parents because they were so worried about
8 me. They felt guilty. They felt partly responsible for
9 what happened.

10 When I would talk to them on the phone I would tell
11 them I was having a great time and that I was learning a lot
12 just so they did not worry about me.

13 In reality the education offered there was
14 atrocious. I had heard of a poor education offered at Camp
15 Adams School, and I did not want to fall behind in my
16 classes, so I decided to have work sent from my high school
17 to complete.

18 Unfortunately my high school was not very
19 cooperative. It took two weeks to access my textbooks, and
20 one of my teachers completely refused to send any work.
21 After a month of getting almost no assignments done I
22 decided to attend the Camp Adams School in case the work
23 that I did complete would be considered deficient, and I
24 would have to repeat the 11th grade.

25 I was moved to the senior grade because the school

1 liaison realized that I was at a higher educational level
2 than the one offered at the school for a junior. Even in
3 senior level classes I was doing course work material
4 equivalent to my freshman year at public school.

5 Many of the teachers lacked any credentials, and
6 the ones that actually had teaching agrees didn't care
7 anymore. The health class was taught by one of the school
8 security guards who's only credentials were that he enjoyed
9 working out.

10 The literature class was taught by a Camp Adams
11 staff member who was currently enrolled in college to become
12 an early education teacher. The math class consisted of the
13 teacher handing out one to two small worksheets a week to
14 the students with no actual instruction.

15 The gym class consisted of hanging out in the gym.
16 If you wanted to, you could pick up a ball and toss it
17 around, but there is no actual instruction. The gym teacher
18 had no degree in teaching or physical education.

19 I feel terrible for the children who have been
20 enrolled in that school for multiple years. They will
21 graduate with little to no education, and attending any
22 college will be almost impossible.

23 I was not an honor student in high school. I
24 always did well, but I was not enrolled in advanced classes.
25 Yet compared to the students at Camp Adams I was extremely

1 advanced. I received straight As with little to no effort.

2 At Camp Adams I was never in trouble and never
3 received any negative writings. When I asked my counselors
4 whether I could get out early for good behavior they told me
5 not to bother trying because Ciavarella never lets anyone
6 out early.

7 I could not understand why girls from other
8 counties were released early for good behavior, yet no one
9 from Luzerne was ever released early.

10 After my release from Camp Adams I was placed on
11 intensive probation for three months, and my driver's permit
12 was taken away. The condition to my probation included drug
13 and alcohol counseling for 10 weeks, counseling at school
14 and at home, submitting weekly urine samples, and observing
15 curfew. I also had to pay court costs associated with
16 probation. I did not violate any terms of my probation.

17 I returned to Crestwood High School but had lots of
18 difficulty. I did not receive credit for the work I missed
19 during my three month placement at Camp Adams for one of my
20 classes. I worked very hard to catch up.

21 I had a mandatory research project that students at
22 Crestwood High School are required to do in order to pass
23 the 11th grade. This project takes most students three
24 months to complete. Due to the substandard computers at
25 Camp Adams I was not able to work on this important project

1 for the three months I was that placed there. I was forced
2 to complete the entire project in one month, and I still
3 managed to finish the 11th grade with a B average.

4 Also, many of the teachers, students, and staff
5 treated me very differently. I was pulled out of class and
6 brought into the school office multiple times to be randomly
7 searched for drugs, even though I showed no signs of being
8 under the influence.

9 I found this infuriating. Here I was trying
10 desperately to catch up in school, and I kept getting pulled
11 out of class and missing more time. Also, I wasn't able to
12 see certain friends anymore as their parents refused to let
13 them associate with me. This made me feel very isolated.

14 As it was, I was on probation with a 7:00 curfew,
15 and on top of that friends who used to come around no longer
16 did. Also, as I mentioned, it really hurt me to see how
17 hard this was for my family.

18 My parents were forced to pay money every month
19 that I spent at Camp Adams. And since I had drug charges I
20 was put into drug court, which required me to appear in
21 court once a month for both the three months I spent at Camp
22 Adams and the three months that I was on probation and pay
23 court fees for every appearance.

24 As you can imagine the financial burden on my
25 family was huge. Not only was their child abused by the

1 American legal system, but they had to pay for it to happen.

2 Even though several years have passed I still feel
3 a deep mistrust towards the American legal system. After
4 going through this painful ordeal it is important to me to
5 help ensure that no juvenile has to go through an experience
6 like this again.

7 Therefore, I would like to make the following
8 recommendations to the Commission:

9 Abolish the zero tolerance. Zero tolerance is what
10 allowed this to happen. If a judge applies the same
11 sentence to every case brought before him, then what is the
12 point of a trial or a judge at all?

13 Checks and balances. There must be a meaningful
14 mechanism place -- in place for judicial oversight, whether
15 this is a reconstituted JCB or another entity all together.

16 And, finally, eradicate nepotism. One of the
17 reasons this went unaddressed for so long is because
18 everybody knows everybody in Luzerne County. County
19 officials should not be able to hire their relatives. If
20 someone's relative is applying for a position, then another
21 individual should be in charge of interviewing, reviewing
22 credentials, and making references.

23 The juvenile justice system needs a complete
24 upheaval. Juvenile justice is supposed to be about
25 rehabilitation, not punishment. I believe that stripping

1 youth of a real education is most definitely a punishment,
2 and perhaps maybe the worst punishment of all. With no
3 education most of these children have little to no chance of
4 succeeding, and are almost doomed to become career
5 criminals. Thank you for your time and your commitment.

6 BY MS. BENDER:

7 Q I'm almost speechless to tell you the truth.

8 You're obviously a remarkable young woman.

9 A Thank you.

10 Q What you told us about the education at Camp Adams
11 rather stuns me. Maybe I'm naive. I just didn't know that
12 it was like that.

13 Could you tell us some recommendations you would
14 have for education for people, for young people?

15 A Well, I just -- I couldn't believe that there were
16 teachers without any credentials, without any history of
17 working with children, without any history in education.
18 That's just preposterous. Especially I think that juvenile
19 delinquents should have more intense educational programs
20 because they obviously need it more. I think that education
21 is the key to eliminate crime, and if you -- if you strip
22 that and lessen on education, what do you expect them to
23 become? Juvenile justice without rehabilitation, that is
24 not rehabilitation in any way, shape, or form.

25 Q It certainly isn't. Your school, did they send any

1 material for you?

2 A A few of my classes sent work, but I had one
3 specific teacher who refused to send anything for me. And
4 that was the same teacher that required me to make up all
5 the work back. I actually had a test my first day back,
6 which was just ridiculous.

7 MS. BENDER: Thank you.

8 THE WITNESS: You're welcome.

9 MR. MOSEE: Just one comment. When you get to
10 Temple, and you're studying criminal justice, it would be
11 good to have an internship. And I would invite you to
12 contact the Philadelphia DA's Office.

13 THE WITNESS: Thank you, very much, sir. I'm
14 honored actually. Thank you.

15 BY MR. LISTENBEE:

16 Q I thought he was going to say the Philadelphia
17 Public Defender's Office. As Ms. Bender has said, you're a
18 remarkable young lady, and we thank you for your candor and
19 your incites. I don't think we've had testimony about the
20 educational system in the placements, and I think that's
21 something we need to take a much closer look at.

22 You -- you said -- one thing that I'd really like
23 to kind of have you elaborate on. You gave us the three
24 recommendations specifically that you wanted us to check
25 into, and first was about zero tolerance.

1 A Correct.

2 Q Could you elaborate? And one -- the part of
3 interpretation of zero tolerance that you focused on was the
4 same sentence by Judge Ciavarella for every child who
5 appeared before him where the incident began in the schools.

6 What other aspects of zero tolerance would you like
7 us to focus on, because that is a major issue?

8 A I personally have been speaking out in zero
9 tolerance since I was very young, and I think that this case
10 just brings it to a whole different level of awareness. Why
11 do we have a legal system? Why are we paying judges? Why
12 are we spending the money on pulling in juries if they don't
13 need to be there? If you're going to use zero tolerance, if
14 you're going to give everyone the same case, why don't they
15 just have a computer as the judge? Why don't we just have a
16 man open a book and say this is what you have? I don't -- I
17 don't see the practicality of it, and especially in juvenile
18 justice where you need to spend extra care to every case.

19 I think the juvenile justice is more important than
20 adult criminal justice system because this is where we can
21 stop them. This is where you can help people. This is
22 where you can stop them from becoming a career criminal and
23 becoming stuck in the system when they are an adult.

24 Q Can you tell me where -- most of the cases
25 involving children where there were fights in school, were

1 most of the them referred to juvenile court?

2 A All of them.

3 Q All of them?

4 A Yes.

5 Q Did that really help the children? Did it solve
6 the problem? Did it stop the fights in school?

7 A No, I don't believe so. Zero tolerance doesn't
8 help anyone.

9 Q Were there a lot of drugs in the school that you
10 were in?

11 A No, there weren't a lot. It's a suburban area. It
12 was not a bad school. There weren't often fights. There
13 weren't often drugs. Just because that's the kind of area
14 that it is. It's a small town. Everyone knows everyone.
15 It's not a very dangerous place.

16 Q But all the cases that came out were referred into
17 juvenile court?

18 A Yes, immediately.

19 Q How much time usually passed between the time of
20 the incident and the time that the court actually took up
21 the hearings? Was there a short period of time or a long
22 period of time to the best of your knowledge?

23 A For me it was like two to three, maybe more,
24 months. But I really can't speak on account of other people
25 on that -- that topic.

1 Q Okay. One other question, or area of questioning.
2 You said that the juvenile justice system needs a complete
3 upheaval. And certainly in the educational area we
4 understand that. Were there other aspects of the juvenile
5 justice system that you think need to be completely
6 reshaped, overhauled?

7 A Well, I felt this while I was there, but I recently
8 took a class on the theory of juvenile delinquency, and it
9 just amazes me, especially from my point of view. There are
10 textbooks written and things proven on how juvenile justice
11 should be administered. It's not an unknown thing, but yet
12 so many of these -- these rules are not being implicated. I
13 think that the juvenile justice system really does need to
14 focus on rehabilitation. It needs to focus on what these
15 children need. Not punishing them, fixing them, stopping
16 them from ruining their own lives.

17 Q Were the girls treated differently at Camp Adams
18 than the boys?

19 A There's only -- it was an all female school.

20 Q All female school?

21 A They are completely separated.

22 MR. LISTENBEE: All right. Well, again, thank you
23 very much for sharing your story, and thank you for your
24 recommendations.

25 THE WITNESS: Thank you.

1 MR. GIBBONS: I just want to say thank you for
2 coming and taking the time. You are very impressive.

3 THE WITNESS: Thank you, very much.

4 MR. GIBBONS: A lot of talent. I wish you well.

5 THE WITNESS: Thank you.

6 BY MR. WILLIAMS:

7 Q What was your view of the educational program at
8 Crestwood? I know Judge Ciavarella spent a lot of time
9 there, but evidently it didn't help him. But I'm just
10 wondering about you.

11 A Personally I always believed that Crestwood was a
12 good school. I didn't think it was phenomenally good. But
13 once I attended the Camp Adams School for three months I
14 really deeply appreciated the education that I've been
15 blessed this.

16 Q I'll bet. Do you think that the teachers at
17 Crestwood may have used the zero tolerance policy to get rid
18 of trouble makers in their classroom?

19 A I --

20 Q To their advantage?

21 A Most definitely. Ciavarella lived in my town. He
22 attended my school more than once a year to give speeches.
23 He was very close to the school administration, and I
24 believe that my high school was feeding me and other
25 children into the hand of a criminal, and which is

1 infuriating.

2 Actually after I came back from Camp Adams he went
3 to -- attended my school again to give a speech, and I
4 refused to attend it. I told the teachers that I'm not
5 about to be spoken to by a criminal.

6 Q They should let you get up there and give the
7 speech, not him.

8 A Maybe.

9 MR. WILLIAMS: Better for the students. But thank
10 you again for coming before us. You are courageous, believe
11 me.

12 THE WITNESS: Thank you, very much.

13 MR. WILLIAMS: And good luck to you.

14 THE WITNESS: Thank you.

15 BY JUDGE UHLER:

16 Q You're extremely articulate and obviously have
17 developed some investigative skills as well. How did you
18 glean the qualifications of the various teachers and
19 instructors?

20 A Oh, you just ask them. Most of them -- they didn't
21 -- they didn't even try to hide it. Like the health
22 teacher, I actually went up to him once and said, hey, I'm
23 actually like interested in this topic. Can you explain
24 this to me? And his response was, oh, well, I work out a
25 lot. I don't -- I don't -- I don't know anything about

1 health. It was just preposterous.

2 Q Next criteria question. Did you experience or did
3 they request you to undergo a drug and alcohol evaluation
4 for probation and/or the courts to make a determination that
5 the drug court was an appropriate aftercare program for you?

6 A I was actually placed in drug court during my
7 attendance at Camp Adams. As well while I was there I had
8 to see the court once a month even -- I was analyzed for
9 drug and alcohol conditions towards the end of my stay
10 there. But I was placed in drug court before I received any
11 psychological analysis.

12 Q Okay. So there was -- there was not any
13 determination made that there was a drug dependency or a
14 chronic abuse issue?

15 A No.

16 Q You just wound up being in a drug court program as
17 a result -- for purposes of an intensive supervision?

18 A Correct.

19 Q Nextly, and this will be the final question. Were
20 you ever told by any of the court officials, the probation
21 officers, anyone that by admitting to a drug offense that
22 this would impact your ability to have a driver's license?

23 A No, never. I was really never informed about
24 anything.

25 Q So the PennDOT sanction was a shock to you?

1 A Yes, very much so.

2 JUDGE UHLER: Again, thank you for your very
3 compelling testimony here this evening. And we hope that
4 your future goals in the legal profession and/or counseling
5 will be attainable. And I'm sure they will be.

6 THE WITNESS: Thank you, very much.

7 JUDGE UHLER: Have a good evening.

8 THE WITNESS: You too.

9 JUDGE UHLER: You're excused. We want to thank the
10 Juvenile Law Center for coordinating these witnesses tonight
11 and to speak with us. And, again, remind all that we had to
12 be somewhat selective in the witnesses coming before us from
13 the vantage point that we're really short on time. And the
14 -- the clock is ticking, and our report is due May 31st.

15 But, again, for all written statements, files, or
16 any submittals that are deemed relevant, they will be
17 included and considered by us in some fashion or another.
18 And hopefully we -- we exercise the discretion to have full
19 transparency as to all the submittals as to matters that are
20 relevant and will be helpful in our decision making process.

21 With that said, our next hearing is scheduled for
22 April the 12th at Harrisburg commencing, I think, at 10:00
23 in the morning.

24 MR. BRESLIN: Yes, Judge.

25 JUDGE UHLER: And for all those that are in

1 attendance today and tonight, we thank you for your
2 attention and courtesies given during the hearing. Anything
3 more from any of the members? We're in recess.

4 (Whereupon, the hearing was adjourned at 8:00 p.m.)

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I hereby certify that the proceedings and evidence

1 are contained fully and accurately in the notes taken by me
2 on the hearing of the above cause, and that this is a
3 correct transcript of the same.

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Date

_____ Donna E. Gladwin, RPR

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